

By Mr. CASEY of Massachusetts: A bill (H. R. 4819) for the relief of Joseph Zani; to the Committee on Claims.

By Mr. DALY: A bill (H. R. 4820) for the relief of Adolphus Howell Bowen; to the Committee on Naval Affairs.

By Mr. ECKERT: A bill (H. R. 4821) granting an increase of pension to Matilda Tarno; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 4822) granting an increase of pension to Lucy A. Beckwith; to the Committee on Invalid Pensions.

By Mr. HEALEY: A bill (H. R. 4823) for the relief of Joseph H. Burr; to the Committee on Naval Affairs.

By Mr. IZAC: A bill (H. R. 4824) for the relief of the estate of Facundo Gonzales; to the Committee on War Claims.

By Mr. LEAVY: A bill (H. R. 4825) for the relief of Walter J. Potter; to the Committee on Military Affairs.

By Mr. LUECKE of Michigan: A bill (H. R. 4826) granting a pension to Martha Bertha Rapin; to the Committee on Pensions.

By Mr. MCGROARTY: A bill (H. R. 4827) granting an increase of pension to Mary A. Parsons; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 4828) granting a pension to Willie D. Nelson; to the Committee on Invalid Pensions.

By Mr. RAMSPECK: A bill (H. R. 4829) for the relief of Robert E. Sadtler; to the Committee on Claims.

Also, a bill (H. R. 4830) for the relief of Mrs. D. O. Benson; to the Committee on Claims.

By Mr. RICH: A bill (H. R. 4831) granting an increase of pension to Katie Wykoff; to the Committee on Invalid Pensions.

By Mr. TOBEY: A bill (H. R. 4832) for the relief of Genette H. Unwin; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

372. By Mr. ARNOLD: Petition of R. V. Jordan, superintendent of schools, Centralia, Ill., expressing opposition to the passage of House bill 30, to protect the artistic and earning opportunity in the United States for American actors, vocal musicians, operatic singers, solo dancers, and orchestral conductors, and for other purposes; to the Committee on Immigration and Naturalization.

373. By Mr. COLDEN: Resolution adopted by the Harbor District Builders' Supply Association, Long Beach, Calif., urging the enactment of legislation for the continuance of title II of the National Housing Act; to the Committee on Banking and Currency.

374. By Mr. FISH: Petition of 39 residents and citizens of Goshen, N. Y., protesting against the President's plan to pack and control the Supreme Court, and stating that they believe this is a direct assault upon the liberties of the people of the United States, designed to undermine the independence of the Supreme Court, which is the foremost safeguard of these liberties, and a direct step in the direction of a dictatorship. The obvious effect would be to place in the hands of the Executive the opportunity to appoint as members of the Court creatures of his own, subservient and obedient to his dictation, thus destroying the independence and integrity of the Court, and subverting the purpose it was designed to fulfill; to the Committee on the Judiciary.

375. Also, petition of 57 residents and citizens of the town of Goshen, Orange County, N. Y., expressing unqualified condemnation of the plan of President Roosevelt to increase the membership of the Supreme Court, contending that the obvious effect of the proposal would be a direct assault upon the liberties of the people of the United States, designed to undermine the independence and integrity of the Supreme Court and a direct step in the direction of dictatorship, and that it would place in the hands of the Executive the opportunity to appoint as members of the Court creatures of his own, subservient and obedient to his dictation, thus destroying the independence of the Court, and subverting the purpose it was designed to fulfill; to the Committee on the Judiciary.

376. Br. Mr. MILLARD: Resolution unanimously adopted by the executive committee of the Republican City Committee of White Plains, N. Y., opposing the proposal of the President to increase the membership of the Supreme Court; to the Committee on the Judiciary.

377. By Mr. RICH: Petition of citizens of Montoursville, Pa., protesting against the President's recommendation to increase the membership of the Supreme Court; to the Committee on the Judiciary.

378. Br. Mr. THOMASON of Texas: Petition of the Central Labor Union of the city of El Paso, Tex., endorsing and approving the measures which the President of the United States has requested Congress to adopt amending the structure of the courts of the United States; to the Committee on the Judiciary.

379. By the SPEAKER: Petition of Helen Roy and 100 others, of Grand Forks, N. Dak., petitioning Congress to pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on Foreign Affairs.

380. Also, petition of M. G. Patterson and Lloyd R. Brown, opposing any petition to the Supreme Court; to the Committee on the Judiciary.

SENATE

WEDNESDAY, FEBRUARY 17, 1937

(Legislative day of Monday, Feb. 15, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, February 15, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. McGill, one of its clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 466. An act granting the consent of Congress to the county of Barry, State of Missouri, to construct, maintain, and operate a free highway bridge across the White River at or near Eagle Rock, Mo.;

S. 715. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.; and

S. J. Res. 70. Joint resolution relating to the participation by the United States in the International Exposition of Paris, 1937.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 77. An act for payment of compensation to persons serving as postmaster at third- and fourth-class post offices;

H. R. 168. An act to authorize an increase in the annual appropriation for books for the adult blind;

H. R. 194. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr.;

H. R. 1521. An act to amend the act of February 28, 1925 (43 Stat. 1053), relative to postal rates on third-class mail matter;

H. R. 1543. An act to amend section 24 of the Immigration Act of 1917, relating to the compensation of certain Immigration and Naturalization Service employees, and for other purposes;

H. R. 1550. An act authorizing a preliminary examination and survey of the Skagway River in the vicinity of Skagway, Alaska;

H. R. 1609. An act to credit laborers in the Postal Service with any fractional part of a year's substitute service toward promotion;

H. R. 1629. An act to provide for a preliminary examination and survey of the Mackinaw River in Illinois with a view to flood control;

H. R. 1972. An act giving superintendents at classified post-office stations credit for substitutes serving under them;

H. R. 2021. An act to provide time credits for substitutes in the motor-vehicle service;

H. R. 2306. An act to authorize the Crew Levick Co., and such other corporation or individuals as may be associated with it, to construct a bridge across the portion of the Delaware River between the mainland of the county of Camden and State of New Jersey and Petty Island, in said county and State;

H. R. 2503. An act to extend the time for completing the construction of a bridge across the Columbia River near The Dalles, Oreg.;

H. R. 2702. An act to permit grand-jury extensions to be ordered by any district judge;

H. R. 2703. An act to provide for the representation of the United States Court of Appeals for the District of Columbia on the annual conference of senior circuit judges;

H. R. 2705. An act to provide for the manner of inflicting the punishment of death;

H. R. 2738. An act to extend the provisions of the 40-hour law for postal employees to watchmen and messengers in the Postal Service;

H. R. 3148. An act granting the consent of Congress to the State of Alabama, or Etowah County, or both, to construct, maintain, and operate a free highway bridge across the Coosa River at or near Gilberts Ferry, in Etowah County, Ala.;

H. R. 3284. An act to transfer Crawford County, Iowa, from the southern judicial district of Iowa to the northern judicial district of Iowa;

H. R. 3411. An act to amend section 112 of the Judicial Code to provide for the inclusion of Whitman County, Wash., in the northern division of the eastern district of Washington;

H. R. 3425. An act providing payment to employees, Bureau of Reclamation, for mileage traveled in privately owned automobiles;

H. R. 3610. An act to adjust the salaries of rural letter carriers;

H. R. 3675. An act to extend the times for commencing and completing the construction of a bridge across the Savannah River at or near Lincolnton, Ga.;

H. R. 3689. An act declaring Turtle Bay and Turtle Bayou, Chambers County, Tex., to be nonnavigable waterways;

H. R. 4609. An act to authorize the purchase and distribution of products of the fishing industry;

H. J. Res. 131. Joint resolution for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for January 20, 1937; and

H. J. Res. 212. Joint resolution to amend the act entitled "An act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", approved August 29, 1935.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

H. R. 3112. An act for the relief of Ralph C. Irwin; and

S. J. Res. 38. Joint resolution to extend for a period of 2 years the guarantee by the United States of debentures issued by the Federal Housing Administrator.

TRIBUTE TO THE LATE VICE PRESIDENT CURTIS

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD and to lie on the table resolutions adopted by the American Indian Federation at their second annual convention at Salt Lake City, Utah, on

July 25, 1936, in memory of the late Honorable Charles Curtis, former Vice President of the United States.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

MEMORIAL

Gathered in second annual convention of the American Indian Federation, we pause to pay tribute to the memory of a distinguished member of our own race whose death brought sorrow to the people of the United States—the late Honorable Charles Curtis.

Charles Curtis, a member of the Kaw Tribe of Indians, was born on the prairies of Kansas in an Indian tepee. Sent to learn the ways of the white man, he suffered all the loneliness, all the heartache and homesickness, all the sufferings of a stranger in a strange land. But he persevered. He studied diligently and worked hard to support himself that he might study more. Great were the rewards of that labor. From a very humble beginning, through his own initiative and efforts, through his determined will to conquer, Charles Curtis arose to the place of Vice President of the United States of America. He won his place of honor as a citizen of the United States. As a citizen, asking no more and no less than any other citizen, he served the people of these United States in public office for almost 40 years, giving to each succeeding office, as Representative, as Senator, and as Vice President, diligent application to duty. Honored and respected for that record of service, all citizens of the United States paused to pay tribute to his memory when, as quietly and unostensibly as he had lived, Charles Curtis departed this life on February 8, 1936.

Joining with all other citizens in our common sorrow at his passing, let it hereby be

Resolved, That we, the members of the American Indian Federation, in second annual convention assembled, do spread upon our records this tribute to the memory of a distinguished member of our race—the late Honorable Charles Curtis. Let us honor his memory for those noble qualities of character which endeared him to all who knew him; let us honor his memory for his record of conscientious public service to the United States. Lastly, let us, his people, honor the memory of Charles Curtis as an Indian citizen who became a leader among the men of today. Let us here resolve that his life shall be as a beacon light guiding our race onward to greater achievements as citizens of the United States; and be it hereby further

Resolved, That a copy of this memorial be transmitted to the bereaved family of the late Charles Curtis, with expressions of our heartfelt sympathy. May the comforting spirit of our Heavenly Father support and sustain them in their sorrow.

Unanimously adopted by the delegates of the second annual convention of the American Indian Federation.

Dated at Salt Lake City, Utah, this 25th day of July 1936.

JOSEPH BRUNER, National President,
The American Indian Federation.

CALL OF THE ROLL

Mr. LEWIS. To assure the presence of a quorum, I ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Lee	Pope
Andrews	Davis	Lewis	Radcliffe
Ashurst	Dieterich	Lodge	Reynolds
Austin	Duffy	Logan	Robinson
Bailey	Ellender	Loneragan	Russell
Barkley	Frazier	Lundeen	Schwartz
Black	George	McAdoo	Schwellenbach
Bone	Gerry	McCarran	Sheppard
Borah	Gibson	McGill	Smith
Bridges	Gillette	McKellar	Stelwer
Brown, Mich.	Glass	McNary	Thomas, Okla.
Brown, N. H.	Green	Maloney	Thomas, Utah
Bulkley	Harrison	Minton	Townsend
Bulow	Hatch	Moore	Truman
Burke	Hayden	Murray	Tydings
Byrd	Herring	Neely	Vandenberg
Byrnes	Holt	Norris	Van Nuys
Capper	Hughes	Nye	Walsh
Caraway	Johnson, Calif.	O'Mahoney	Wheeler
Chavez	Johnson, Colo.	Overton	White
Clark	King	Pepper	
Connally	La Follette	Pittman	

Mr. LEWIS. I announce the absence of the Senator from Ohio [Mr. DONAHEY] and the Senator from Pennsylvania [Mr. GUFFEY], caused by illness; and also the absence of the Senator from Tennessee [Mr. BACHMAN], the Senator from Mississippi [Mr. BILBO], the Senator from South Dakota [Mr. HITCHCOCK], and the Senator from New York [Mr. WAGNER], who are necessarily detained from the Senate.

Mr. AUSTIN. I announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

REPORT OF APPROPRIATIONS COMMITTEE ON THE INDEPENDENT OFFICES BILL

The VICE PRESIDENT laid before the Senate the following letter from the Secretary of the Senate, which was read and ordered to lie on the table:

UNITED STATES SENATE,
OFFICE OF THE SECRETARY,
February 17, 1937.

To the PRESIDENT OF THE SENATE:

Under the order of the Senate of the 15th instant, Mr. GLASS, from the Committee on Appropriations, filed with me, as Secretary of the Senate, on that day the bill (H. R. 4064) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1938, and for other purposes, with amendments and an accompanying report (No. 92) thereon.

Very truly yours,

EDWIN A. HALSEY, *Secretary.*

VISITORS TO THE MILITARY ACADEMY

Mr. SHEPPARD. Mr. President, I send to the desk a notice which I ask that the clerk may read.

The VICE PRESIDENT. The clerk will read, as requested.

The legislative clerk read as follows:

UNITED STATES SENATE,
COMMITTEE ON MILITARY AFFAIRS,
Washington, D. C., February 17, 1937.

To the Senate:

By virtue of the authority vested in me by the act approved May 17, 1928, I hereby appoint Senators LOGAN, BACHMAN, PEPPER, AUSTIN, and NYE to represent the Senate Committee on Military Affairs on the Board of Visitors to the United States Military Academy during the remainder of the first session of the Seventy-fifth Congress.

MORRIS SHEPPARD,
Chairman, Senate Military Affairs Committee.

FARM TENANCY (H. DOC. NO. 149)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, as follows:

To the Congress of the United States:

I transmit herewith for the information of the Congress the report of the Special Committee on Farm Tenancy.

The facts presented in this report reveal a grave problem of great magnitude and complexity. The American dream of the family-size farm, owned by the family which operates it, has become more and more remote. The agricultural ladder, on which an energetic young man might ascend from hired man to tenant to independent owner, is no longer serving its purpose.

Half a century ago one of every four farmers was a tenant. Today 2 of every 5 are tenants, and on some of our best farm lands 7 of every 10 farmers are tenants. All told, they operate land and buildings valued at \$11,000,000,000.

For the past 10 years the number of new tenants every year has been about 40,000. Many tenants change farms every 2 or 3 years, and apparently 1 out of 3 changes farms every year. The agricultural ladder for these American citizens has become a treadmill.

At the same time owners of family-size farms have been slipping down. Thousands of farmers commonly considered owners are as insecure as tenants. The farm owner-operator's equity in his property is, on the average, 42 percent, and in some of our best farming sections is as little as one-fifth.

When fully half the total-farm population of the United States no longer can feel secure, when millions of our people have lost their roots in the soil, action to provide security is imperative and will be generally approved.

A problem of such magnitude is not solved overnight, nor by any one limited approach, nor by the Federal Government alone. While aggravated by the depression, the tenancy problem is the accumulated result of generations of unthinking exploitation of our agricultural resources, both land and people. We can no longer postpone action. We must begin at once with such resources of manpower, money, and experience as are available, and with such methods as will call forth the cooperative effort of local, State, and Federal agencies of government, and of landlords quite as much as tenants. In dealing with the problem of relief among rural people during the depression, we have

already accumulated information and experience which will be of great value in the long-time program. It will be wise to start the permanent program on a scale commensurate with our resources and experience, with the purpose of later expanding the program to a scale commensurate with the magnitude of the problem as rapidly as our experience and resources will permit.

The Special Committee on Farm Tenancy emphasizes the necessity for action of at least four types: First, action to open the doors of ownership to tenants who now have the requisite ability and experience, but who can become owners only with the assistance of liberal credit on long terms and technical advice; second, modest loans with the necessary guidance and education to prevent small owners from slipping into tenancy, and to help the masses of tenants, croppers, and farm laborers at the very bottom of the agricultural ladder increase their standards of living, achieve greater security, and begin the upward climb toward land ownership; third, the retirement by public agencies of land proved to be unsuited for farming, and assistance to the families living thereon in finding homes on good land; fourth, cooperation with State and local agencies of government to improve the general leasing system. These activities which bear such close relation to each other should furnish a sound basis for the beginning of a program for improving the present intolerable condition of the lowest income farm families.

The Committee has very properly emphasized the importance of health and education in any long-time program for correcting the evils from which this large section of our population suffers. Attention is also called to the part which land speculation has played in bringing insecurity into the lives of rural families, and to the necessity for eliminating sharp fluctuations in land value due to speculative activity in farm lands.

The attack on the problem of farm tenancy and farm security is a logical continuation of the agricultural program this administration has been developing since March 4, 1933. Necessarily, whatever program the Congress devises will have to be closely integrated with existing activities for maintaining farm income and for conserving and improving our agricultural resources.

Obviously, action by the States alone and independently cannot cure the widespread ill. A Nation-wide program under Federal leadership and with the assistance of States, counties, communities, and individuals is the only solution. Most Americans believe that our form of Government does not prohibit action on behalf of those who need help.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, February 16, 1937.

Mr. BORAH. Mr. President, I desire to ask the clerks, through the Chair, if the report to which the President's message refers has been sent to the Senate?

The PRESIDENT pro tempore. The report is now on the table.

Mr. BORAH. I ask that the report be published as a Senate document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The message, with the accompanying report, will be referred to the Committee on Agriculture and Forestry.

RESERVATION OF LANDS FOR INDIANS OF MONTANA

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to reserve certain public-domain lands for the use and benefit of the Chippewa, Cree, and other Indians of Montana, which, with the accompanying paper, was referred to the Committee on Indian Affairs.

OFFENSES AGAINST PROPERTY IN THE DISTRICT

The VICE PRESIDENT laid before the Senate a letter from the president of the Board of Commissioners of the District of Columbia, recommending the enactment of proposed legislation in respect to offenses against property in the District of Columbia, which, with the accompanying paper, was referred to the Committee on the District of Columbia.

PROPOSED CHILD-LABOR AMENDMENT TO CONSTITUTION

The VICE PRESIDENT laid before the Senate a letter from the Governor of Nevada, transmitting certified copy of a joint resolution of the legislature of that State, ratifying the so-called child-labor amendment to the Constitution, which, with the accompanying paper, was ordered to lie on the table and to be printed in the RECORD, as follows:

STATE OF NEVADA,
EXECUTIVE CHAMBER,
Carson City, February 10, 1937.

HON. JOHN NANCE GARNER,
Vice President, President of the Senate, Washington, D. C.

DEAR SIR: Complying with the provisions of senate joint resolution no. 1, approved February 1, 1937, I have the honor to transmit herewith certified copy of such resolution ratifying on behalf of the State of Nevada the proposed amendment to the Constitution of the United States.

I have the honor to be,
Sincerely yours,

RICHARD KIRMAN,
Governor of Nevada.

Senate Joint Resolution 1, ratifying a proposed amendment to the Constitution of the United States

Whereas both Houses of the Fifty-eighth Congress of the United States of America, by constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"Joint resolution proposing an amendment to the Constitution of the United States

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as part of the Constitution:

"ARTICLE —

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"Sec. 2. The power of the several States is unimpaired by this article, except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by Congress."

Therefore be it

Resolved by the Senate of the State of Nevada (the assembly concurring), That the said proposed amendment to the Constitution of the United States be, and the same is hereby, ratified by the Legislature of the State of Nevada. That certified copies of this preamble and joint resolution be forwarded by the Governor of this State to the President of the United States and the Presiding Officer of the United States Senate and to the Speaker of the House of Representatives of the United States.

EXPRESSION OF SYMPATHY ON RECENT FLOOD DISASTERS

Mr. MOORE presented a letter of sympathy transmitted to him on the recent flood disasters, which was ordered to lie on the table and to be printed in the RECORD, as follows:

OMNIUM MINIER,
Paris, January 28, 1937.

JOS. DIXON CRUCIBLE Co.,
Jersey City, N. J., U. S. A.

DEAR SIRS: The board of directors of our company, on reading of the dreadful floods which ravage your country, wish to say how deeply they feel for you in your terrible distress and send you the expression of their sad sympathy.

L. BAUER, President.
P. VOGT, Managing director.

ORDER OF BUSINESS

Mr. GLASS rose.

The VICE PRESIDENT. The Chair understands from the RECORD that it was tacitly understood that today the independent offices appropriation bill would be taken up for consideration. So the Chair recognizes the Senator from Virginia, with the view of having him yield for the presentation of memorials and petitions, the introduction of bills, the submission of reports of committees, and other routine business.

Mr. GLASS. That is satisfactory to me.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Arkansas, which was referred to the Committee on Interstate Commerce:

Be it resolved by the Senate of the State of Arkansas and the House of Representatives of the State of Arkansas (a majority of all members elected to each house agreeing thereto)—

Whereas House bill No. 4214, introduced in the House of Representatives of the United States by Representative COLMER, of Mississippi, provides for the collection of all excise taxes and sales taxes upon merchandise moving in interstate commerce which would be payable upon such merchandise in the State to which the same is consigned, except that such merchandise moves in interstate commerce; and

Whereas such bill is now pending in the United States Congress: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the General Assembly of the State of Arkansas, That we hereby memorialize and petition the Congress of the United States to pass, and the President of the United States to approve, if passed, said House bill 4214, by COLMER;

That certified copies of this resolution, properly authenticated, be sent forthwith to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and to Representative COLMER.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of Pennsylvania, which was referred to the Committee on the Judiciary:

Whereas the President of the United States has requested the Congress to authorize additional Justices of the Supreme Court in certain instances; and

Whereas the purpose of this request is to provide assistance to the Court and prevent delay and obstruction in the administration of justice; and

Whereas the effect of this proposal will be to hasten those urgently needed governmental and economic reforms demanded by the people which have been obstructed by the political and economic opinions of certain present Supreme Court Justices; and

Whereas the public welfare has suffered almost irreparable harm as a result of decisions denying the protection of labor legislation to the worker, abolishing the assistance given farmers, and otherwise placing legal technicality above the general welfare; and

Whereas the action proposed by the President would remedy this condition: Now, therefore, be it

Resolved (if the house of representatives concur), That the General Assembly of the Commonwealth of Pennsylvania hereby calls upon the Congress of the United States, and in particular the Representatives of Pennsylvania in the Congress, to vote in the affirmative upon this question to the end that justice may be served and the principles of democracy may prevail in the Federal Union; and be it further

Resolved, That copies of this resolution be sent to the President of the United States and to all Members of the Congress of the United States.

The VICE PRESIDENT also laid before the Senate resolutions adopted by the Scottish Rite Luncheon Club, of Syracuse, N. Y., the Dimmit County (Tex.) Bar Association, and the Marshall (Tex.) Rotary Club, protesting against the proposed enlargement of the Supreme Court of the United States, which were referred to the Committee on the Judiciary.

He also laid before the Senate the memorial of the faculties of University College and the College of Engineering of New York University, New York City, N. Y., remonstrating against any legislative action which would reduce the power or lessen the independence and prestige of the Supreme Court of the United States or alter the balance between the judicial and other departments of the Government, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the New York Branch of the Eastern and Gulf Sailors' Association, Inc., favoring the passage of certain pending legislation for the welfare of seamen, and protesting against the passage of certain other legislation relative to seamen, which was referred to the Committee on Commerce.

He also laid before the Senate resolutions adopted by the Federation of Labor and Local Union No. 3, Branch 1, Brewery Workers, of Flint, Mich., favoring an investigation of the Trolley Coach Co. strike at Flint, Mich., which were referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by United Auto Workers Local, No. 171, of Anderson, Ind., protesting against mob violence in Anderson, Ind., in connection with a strike of automobile workers in that city, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by the Council of the Medical and Chirurgical Faculty of Maryland, Baltimore, Md., favoring the making of an adequate appropriation for the library of the Surgeon General's Office of the War Department, which was referred to the Committee on Military Affairs.

Mr. CAPPER presented a petition of several citizens of Jewell, Kans., praying for the enactment of legislation placing star mail routes under continuous contract rather than competitive bidding, which was referred to the Committee on Post Offices and Post Roads.

Mr. BULKLEY presented the petition of Daniel F. Stocker and sundry other citizens being commanders and presidents of various veteran organizations, together with members of the Ohio Soldiers' and Sailors' Home, all of Sandusky, Ohio, praying for the passage of the bill (S. 59) to establish the Bureau of Veterans' Affairs in the Department of the Treasury with the Commissioner of Veterans' Affairs at the head thereof, to abolish the Veterans' Administration and transfer its functions to such Bureau, to adjust and equalize pensions of veterans and widows and dependents of veterans, and for other purposes, which was referred to the Committee on Pensions.

Mr. McNARY presented the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Banking and Currency:

House Joint Memorial 2

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Thirty-ninth Legislative Assembly of the State of Oregon, convened in regular session, respectfully represent that:

Whereas the United States Government under the Emergency Federal Farm Mortgage Act of 1933, and with subsequent amendments, was authorized to grant commissioner loans to any one farmer not exceeding the sum of \$7,500; and

Whereas the rate of interest on such loans was established at the rate of 5 percent per annum; and

Whereas most of these loans were made for a period of 13 years with no payment required on principal during the first 3 years of said loan; and

Whereas the principal of said loan, in most cases is payable during the following 10 years, one-tenth each year, plus interest at the rate of 5 percent per annum on unpaid balances; and

Whereas the income from farm crops is not sufficient in most cases to meet such payments; and

Whereas the rate of interest paid on most of the Federal Farm Mortgage Corporation bonds, through which the Government farm loan, known as Land Bank Commissioner loans, were financed, bear interest at the rate of less than 3 percent per annum: Now therefore be it

Resolved by the House of Representatives of the State of Oregon (the senate jointly concurring therein) that the Legislative Assembly of the State of Oregon hereby does petition the Congress of the United States to enact into law some legislation providing that Land Bank Commissioner mortgages of record or made hereafter, shall be amortized over a term of years, so that the payment of principal and interest shall not be greater than 5 percent of the amount of the original loan, with interest on the unpaid balance not to exceed the rate of 3 percent per annum; and be it further

Resolved, That the secretary of state of the State of Oregon is hereby directed to send a copy of this memorial to the Speaker of the House of Representatives and the President of the Senate, Washington, D. C., a copy to each Representative and Senator from the State of Oregon, also a copy hereof to the speaker of the house and president of the senate of each State legislature in the United States which shall convene during the year 1937.

Mr. POPE presented the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Commerce:

To the Honorable SECRETARY OF COMMERCE OF THE UNITED STATES OF AMERICA:

We, your memorialists, the Legislature of the State of Idaho, respectfully represent that:

Whereas there is now established an airway route between the cities of Great Falls, in the State of Montana, and Salt Lake City, in the State of Utah, over which the National Parks Airways is now and for several years has been carrying mail, passengers and express between said cities and intermediate points in the State of Idaho, and

Whereas to promote safety in the operation of aircraft along the route of said airway, it is necessary and proper that radio range stations be established within the State of Idaho, and

Whereas said airway is a connecting link between two great transcontinental airways and as such is of great importance for commercial purposes and for national defense in time of war and is in every way necessary for public use and convenience: Now, therefore, be it

Resolved by the House of Representatives of the State of Idaho (the senate concurring), That we earnestly request the United States Department of Commerce and the Bureau of Air Commerce in said department, to provide for the establishment and maintenance of radio range stations at proper and necessary points within the State of Idaho; be it further

Resolved, That the Secretary of State of the State of Idaho be and he is hereby instructed to forward this memorial to the Secretary of Commerce of the United States at Washington, D. C., and that copies hereof be sent to each of the Senators and Representatives in Congress from the State of Idaho.

Mr. BONE presented the following joint memorial of the Legislature of the State of Washington, which was referred to the Committee on Foreign Relations:

Petitioning the Government of the United States to enter into a treaty with the Government of the Kingdom of Japan to protect the salmon industry of Alaska

To the Honorable FRANKLIN D. ROOSEVELT,
President.

The Honorable CORDELL HULL,
Secretary of State of the United States of America:

Whereas the failure of the Governments of Russia and Japan to reach an agreement on the further taking of fish by the Japanese people in waters under the control of the Russian Government has created a situation which may effect the interests of the United States; and

Whereas the Government of Japan has sent fisheries research vessels into the water of Bering Sea, Bristol Bay, and the area of waters of the north Pacific Ocean presumably with the purpose of finding a future supply of fish; and

Whereas such research and test work has taken place within the proximity of the 3-mile limit of the coast of the Territory of Alaska and indicates a definite intention to invade waters just beyond the 3-mile limit; and

Whereas such commercial fishing in such close proximity to the coast of the Territory of Alaska will definitely diminish the run of fish to their natural spawning grounds in the rivers and streams which flow from the Territory of Alaska into the Pacific Ocean, thereby endangering if not entirely destroying future salmon industry; and

Whereas an international treaty or trade agreement is urgently needed between the Governments of the United States and the Kingdom of Japan to define and make clear the mutual obligations which must be brought into existence for the permanent future protection of the salmon runs: Therefore

We, your memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled, pray that such treaty as will protect the future salmon runs, thereby safeguarding the basic industry of Alaska, be negotiated without extended delay between the United States Government and the Government of the Kingdom of Japan.

Mr. NYE presented the following resolution of the Senate of the State of North Dakota, which was referred to the Committee on Agriculture and Forestry:

Whereas the financial distress, particularly among the agricultural people of this Nation, continues unabated; and

Whereas the farm-loan facilities are entirely inadequate and out of harmony with similar facilities available to industry; and

Whereas no one in public service seems to have suggested a plan for the relief of this distress, or adjustment of these differences better than the Frazier-Lemke refinancing plan as now contained in H. R. 213, introduced in the House of Representatives of the National Congress on January 5, 1937, by the Honorable WILLIAM LEMKE, of North Dakota: Therefore be it

Resolved by the Senate of the State of North Dakota:

1. That we, and through us, the people of North Dakota do hereby appeal to the President of the United States and to all earnest, fair-minded Members of Congress to give their active support to said measure to the end that the same may be enacted into law with the least possible delay.

2. That we hereby extend our thanks, and through us, the thanks of the people of this State, to the North Dakota Representatives in Congress who have given their support to this and similar acts, and particularly to Representative LEMKE for his untiring efforts in behalf of similar legislation during the past several years.

3. That a copy of this resolution be mailed to the Honorable Franklin D. Roosevelt, President of the United States, and to each Representative in Congress from North Dakota.

(Mr. NYE also presented an identical resolution adopted by the House of Representatives of the State of North Dakota, which was referred to the Committee on Agriculture and Forestry.)

Mr. NYE also presented a concurrent resolution of the Legislature of the State of North Dakota, favoring the adoption of the so-called Townsend old-age-pension plan, which was referred to the Committee on Finance.

(See concurrent resolution printed in full when laid before the Senate by the Vice President on the 15th instant, p. 1192, CONGRESSIONAL RECORD.)

Mr. NYE also presented a concurrent resolution of the Legislature of the State of North Dakota, protesting against the ratification of the Argentine Sanitary Convention, which was referred to the Committee on Foreign Relations.

(See resolution printed in full when presented by Mr. FRAZIER on the 15th instant, p. 1193, CONGRESSIONAL RECORD.)

PROPOSED REORGANIZATION OF FEDERAL JUDICIARY

Mr. MINTON. Mr. President, I present a letter embodying a resolution adopted by the Amalgamated Association of Iron, Steel, and Tin Workers of North America in convention assembled at Gary, Ind., endorsing the President's proposal concerning the Supreme Court.

There being no objection, the letter was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

To the Members of the Senate and House of Representatives of the United States of America.

GENTLEMEN: The following letter is self-explanatory. We urge you to support our President in the reorganization of the Federal courts of the United States.

FEBRUARY 11, 1937.

HON. FRANKLIN D. ROOSEVELT,
President, United States of America,
Washington, D. C.

DEAR PRESIDENT: When our great Nation was confronted with an economic distress most acute in the history of our country, as servants of the American people you and Congress responded to the call of need, but the Federal judiciary group made a miserable failure in their duty. It proves that the Federal courts set-up, as it now stands, is wholly inadequate and incompetent to serve the best interests of all the people.

Therefore, we, the representatives of lodges of the Amalgamated Association of Iron, Steel, and Tin Workers of North America, speaking for over 100,000 steel workers in the Calumet area, who have voted for you, expecting you to finish the vast undertaking of economic readjustment, highly commend and support you in the move to reorganize the Federal courts of the United States.

Adopted in convention assembled at the Moose Hall, Gary, Ind.
Amalgamated Association of Iron, Steel, and Tin Workers of North America: Lodge No. 64, Chicago Heights, Ill., president, Louis Gromola, secretary, Serafino Fonwertin; Lodge No. 65, South Chicago, Ill., president, James Stewart, secretary, Chas. Jankus; Lodge No. 1007, Chicago, Ill., president, James G. Thimmess, secretary, John F. Lipton; Lodge No. 1008, South Chicago, Ill., president, Joseph Germeno, secretary, Arthur Lutgen; Lodge No. 1009, Gary, Ind., president, C. A. Mansfield, secretary, Glen Finch; Lodge No. 1010, Indiana Harbor, Ind., president, Wm. Thomor, secretary, James C. Johnsen; Lodge No. 1011, Indiana Harbor, Ind., president, Joseph Gist, secretary, Nicholas Gnusby; Lodge No. 1014, Gary, Ind., president, Joe Goin, secretary, Ernest P. Griesel; Lodge No. 1026, East Chicago, Ind., president, Nicholas Custis, secretary, Dave Morris; Lodge No. 1027, Chicago Heights, Ill., president, Martin Nelson; Lodge No. 1029, South Chicago, Ill., president, Joseph A. Cook, secretary, Daniel Graff, Jr.; Lodge No. 1033, South Chicago, Ill., president, Gust Yuratovii, secretary, Frank Rucker; Lodge No. 1050, Harvey, Ill., president, Theo Retzloff, secretary, Sam Calpino; Lodge No. 1052, Chicago, Ill., president, Chas. H. Kroll, secretary, Joseph H. Werler; Lodge No. 1053, Riverdale, Ill., president, Martin Walkery, secretary, Michael Vezzethi; Lodge No. 1066, Gary, Ind., president, John Oglesby, secretary, Theodore Vaughn; Lodge No. 1067, Indiana Harbor, Ind., president, R. W. Llewellyn, secretary, H. M. Yoke; Lodge No. 1068, South Chicago, Ill., president, Joseph Gilbert, secretary, Bud Blumberg; Lodge No. 1072, Gary, Ind., president, A. W. Arrow, secretary, Jesse E. Clements; Lodge No. 1081, Chicago Heights, Ill., president, John Franke, secretary, Dan Meskanski; Lodge No. 1086, Indiana Harbor, Ind., president, Joseph Hickey, secretary, Fred Kawano; Lodge No. 1091, Harvey, Ill., president, Jordan Perry, secretary, Chas. E. Lybarger; Lodge No. 1092, Chicago, Ill., president, Joseph J. Lubak, secretary, August Lukso; Lodge No. 1100, Hammond, Ind., president, Emery Otuns, secretary, Louis Gold; Lodge No. 1101, Indiana Harbor, Ind., president, Dewey Moore, secretary, Frank James; Lodge No. 1132, Hammond, Ind., president, Clarence E. Clark, secretary, Edward Charehusky; Lodge No. 1133, East Chicago, Ind., president, Henry Richardson, secretary, James W. King; Lodge No. 1135, Chicago, Ill., president, Peter Z. Zak, secretary, Arthur Elfstrom; Lodge No. 1136, Chicago Heights, Ill., president, Arnold Frey, secretary, Manuel Garcia; Lodge No. 1162, Chicago, Ill., president, Geo. Shautto, secretary, Arielo Ovellet; Lodge No. 1167, Chicago, Ill., president, S. Ulanowski, secretary, C. Novakowski; Lodge No. 1171, East Chicago, Ind., president, Ralph S. Markert; Lodge No. 1178, South Chicago, Ill., president, Rado Vlarsoulyr, secretary, Robert W. Thal; Lodge No. 1181, South Chicago, Ill., president, George Tracy, secretary, James McHugh; Lodge No. 1206, Indiana Harbor, Ind., president, Jack Milligan, secretary, E. J. C. Puszucki; Lodge No. 1117, Gary, Ind., secretary, Leo Thisniewski, president, Jack Pusak.

REPEAL OF OIL AND GASOLINE TAXES

Mr. HOLT. Mr. President, I present 12 resolutions adopted by County Petroleum Industries Committees in my State, favoring immediate repeal of the Federal gasoline and lubricating-oil taxes, which I ask may be noted in the RECORD and appropriately referred. I also ask that one of the resolutions be printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Finance, and one of the resolutions was ordered to be printed in the RECORD, as follows:

Mason County Petroleum Industries Committee—Resolution

Whereas the motorists and oil and automotive industries are overburdened with excessive taxation in the State of West Virginia to such an extent it is very doubtful if the thousands of our citizens depending on these industries for their livelihood can find it possible to continue to contribute to National and State recovery as they would like and as they should be in position to do so: Now, therefore, be it

Resolved, That our two United States Senators and the district's Congressman be requested to use their vote and influence toward the immediate repeal of the Federal gasoline and lubricating-oil taxes and leave this field of taxation to the individual States, as was understood and agreed in 1932 at the time the Federal tax was imposed as an emergency measure; be it further

Resolved, That our State senators and delegates be requested to oppose all added taxes on the motorists and oil and automotive industries.

B. W. KRODEL, Chairman.

INEZ BARNETTE, Temporary Secretary.

POINT PLEASANT, February 5, 1937.

Adopted by signature of a majority of the members of the executive committee.

HENRY H. SHINN,

Secretary, West Virginia Petroleum Industries Committee.

The resolutions favoring the immediate repeal of Federal gasoline and lubricating-oil taxes, presented by Mr. HOLT and referred to the Committee on Finance, are from the Petroleum Industries Committees of the counties of Fayette, Greenbrier, Jackson, Jefferson, Kanawha, Lincoln, Ritchie, Roane, Wayne, Wood, and Wyoming, in the State of West Virginia.

PUBLIC CONSTRUCTION WORK AND W. P. A. ACTIVITIES

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee on Appropriations a resolution adopted by the Scranton-Lackawanna Valley Master Plumbers Association relating to the W. P. A.

There being no objection, the resolution was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

Resolution adopted by the Scranton-Lackawanna Valley Master Plumbers Association, at the regular meeting of February 11, 1937, held at Scranton, Pa.; and a copy of which is to be forwarded to each of our Pennsylvania national Senators and our Representatives of the Eleventh Congressional District, respectfully requesting their good efforts toward its enactment

Whereas the construction industry has absorbed skilled building trades workers, other than those engaged on W. P. A. projects, and at the present time there is a shortage of skilled mechanics; and

Whereas the construction industry was hit harder during the depression than any other line of endeavor: Therefore be it

Resolved, That we ask Congress and the President to terminate W. P. A. activities in order that the large volume of public construction may be returned to private industry in order that private employees and nonrelief workers may be permitted to share in the work on public construction, through work let at contract to the lowest responsible bidder; be it further

Resolved, That we object to the Government being a competitor to private industry on construction work.

PROGRAM OF COUNCIL FOR INDUSTRIAL PROGRESS

Mr. DAVIS. Mr. President, I ask that the four-point program of the President's Council for Industrial Progress, which I send to the desk, be printed in the RECORD and referred to the Committee on Education and Labor.

There being no objection, the program was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

1. Production control: The committee declares its belief in an economy of abundance and therefore considers unwise and ineffective any attempt to solve unemployment by the limitation of production, whether imposed by government or accomplished through voluntary agreements in industry. The committee recognizes the

need, under emergency conditions, of instituting production control when that may be necessary to prevent the destruction of socially useful values.

2. Hours and wages: While recognizing the need to maintain the respective fields of State and Federal authority, the committee advocates the policy of a minimum wage in industry and the payment of substantial overtime rates for hours worked in excess of a reasonable workweek, believing this to be an advisable national policy tending to increase the purchasing power of wage earners, and make for reemployment in an age of continuous technological improvement.

3. Trade practices: The committee believes that our national industrial policy should give proper recognition to the need for curbing these unfair competitive practices which are destructive of the public interest in the maintenance of a free and open market for the sale and distribution of goods.

4. Permanent advisory council: The committee believes there should be instituted by the National Government a continuing study of the national income; the source from which it springs, the channels through which it flows, the uses to which it is put, and the forces which cause it to periodically form and freeze into vast pools of disuse, causing the stagnation and paralysis of industry and bringing unemployment and suffering to the people.

REPORTS OF COMMITTEES

Mrs. CARAWAY, from the Committee on Commerce, to which was referred the bill (S. 1498) to authorize the purchase and distribution of products of the fishing industry, reported it without amendment.

Mr. THOMAS of Utah, from the Committee on Military Affairs, to which was referred the bill (S. 510) for the relief of Stephen Sowinski, reported it without amendment and submitted a report (No. 93) thereon.

Mr. LOGAN, from the Committee on Military Affairs, to which was referred the bill (S. 300) authorizing the President of the United States to appoint Sgt. Samuel Woodfill a captain in the United States Army and then place him on the retired list, reported it without amendment and submitted a report (No. 94) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 655. A bill to amend an act entitled "An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever", approved February 28, 1929, as amended, by including Roger P. Ames among those honored by said act (Rept. No. 95); and

S. 687. A bill authorizing the Secretary of War to bestow the Silver Star upon Michael J. Quinn (Rept. No. 96).

Mr. BONE, from the Committee on Naval Affairs, to which was referred the bill (S. 1119) to amend section 5 of the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1925, to authorize the payment of a per diem in connection with naval aerial surveys and flight checking of aviation charts, reported it without amendment and submitted a report (No. 97) thereon.

Mr. WALSH, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 1133. A bill to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes", approved March 3, 1909, to extend commissary privileges to widows of officers and enlisted men of the Navy and Marine Corps, and also to officers of the Foreign Service of the United States at foreign stations (Rept. No. 98);

S. 1314. A bill to provide for the reimbursement of certain enlisted men and former enlisted men of the Marine Corps for the value of personal effects lost by fire at the Marine Barracks, Quantico, Va., on October 5, 1930 (Rept. No. 99);

S. 1317. A bill to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the Naval Radio Station, Libugon, Guam, on April 15, 1932 (Rept. No. 100); and

S. 1455. A bill to authorize certain officers of the United States Navy and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered (Rept. No. 101).

Mr. BROWN of New Hampshire, from the Committee on Naval Affairs, to which was referred the bill (S. 1310) for the relief of Cesaria Del Pilar, reported it without amendment and submitted a report (No. 103) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 1423) for the relief of G. A. Trotter, reported it without amendment and submitted a report (No. 104) thereon.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 1231) authorizing payment to the San Carlos Apache Indians for the lands ceded by them in the agreement of February 25, 1896, ratified by the act of June 10, 1896, and reopening such lands to mineral entry, reported it without amendment and submitted a report (No. 105) thereon.

FUNDS FOR HEALTH AND SANITATION ACTIVITIES IN FLOOD-STRICKEN AREAS—REPORT OF COMMERCE COMMITTEE

Mr. COPELAND. From the Committee on Commerce I report a joint resolution making funds appropriated for emergency relief available for health and sanitation activities in the flood areas, and I submit a report (No. 102) thereon.

The VICE PRESIDENT. The joint resolution reported will be received and placed on the calendar.

The joint resolution (S. J. Res. 79) making funds appropriated for emergency relief available for health and sanitation activities in the flood areas, was read twice by its title, and placed on the calendar.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ASHURST (by request):

A bill (S. 1547) to amend the law relating to the harboring of persons charged with crime; to the Committee on the Judiciary.

By Mr. LA FOLLETTE:

A bill (S. 1548) for the relief of William A. Devine; to the Committee on Civil Service.

A bill (S. 1549) for a survey and examination of the Kickapoo River, Wis., with a view to the control of its floods; to the Committee on Commerce.

By Mr. BONE:

A bill (S. 1550) to provide for the appointment of two additional circuit judges for the ninth judicial circuit; and

A bill (S. 1551) to amend section 24 of the Judicial Code, as amended, with respect to the jurisdiction of the district courts of the United States over suits relating to the collection of State taxes; to the Committee on the Judiciary.

A bill (S. 1552) for the relief of John S. Monahan; to the Committee on Naval Affairs.

By Mr. ROBINSON and Mr. PEPPER:

A bill (S. 1553) to amend Public Act No. 325 of the Seventy-fourth Congress, approved August 24, 1935; to the Committee on Banking and Currency.

By Mr. STEIWER:

A bill (S. 1554) to amend the World War Adjusted Compensation Act, as amended, with respect to payment of adjusted-service pay and adjusted-service credit of deceased veterans; to the Committee on Finance.

A bill (S. 1555) for the relief of Levi M. Cruzan; to the Committee on Military Affairs.

By Mr. NEELY:

A bill (S. 1556) to place Harold Staats, formerly captain, Officers' Reserve Corps, on the emergency officers' retired list; to the Committee on Military Affairs.

A bill (S. 1557) granting a pension to Rosa Belle Abbott; and

A bill (S. 1558) granting a pension to Mathias O. Myer; to the Committee on Pensions.

By Mr. POPE:

A bill (S. 1559) granting a pension to Jesse C. Hailey; to the Committee on Pensions.

By Mr. O'MAHONEY (for himself and Mr. ROBINSON, Mr. WHEELER, Mr. RUSSELL, Mr. TRUMAN, Mr. PITTMAN, Mr. LEWIS,

Mr. McCARRAN, Mr. McGILL, Mr. DIETERICH, Mr. BURKE, Mr. SCHWELLENBACH, Mr. PEPPER, and Mr. HUGHES):

A bill (S. 1560) providing for deposits in the unemployment trust fund to the credit of certain States; to the Committee on Finance.

By Mr. SHEPPARD and Mr. CONNALLY:

A bill (S. 1561) to amend the Emergency Farm Mortgage Act of 1933, as amended, and for other purposes; to the Committee on Banking and Currency.

By Mr. SHEPPARD:

A bill (S. 1562) to exempt fraternal beneficiary societies from the tax on employers under the Social Security Act; to the Committee on Finance.

A bill (S. 1563) to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

A bill (S. 1564) for the relief of Charles D. Birkhead;

A bill (S. 1565) for the relief of members of a detachment assigned from the Cavalry brigades, organized by the Governor of Texas, to duty at Camp Bowie, Tex., from about September 29, 1918, to December 8, 1918 (with accompanying papers);

A bill (S. 1566) to provide for appropriate military records for persons who, pursuant to orders, reported for military duty, but whose induction into the service was not, through no fault of their own, formally completed on or prior to November 30, 1918; and

A bill (S. 1567) to amend the act entitled "An act to amend the act entitled 'An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes'" (with accompanying papers); to the Committee on Military Affairs.

By Mr. BROWN of Michigan:

A bill (S. 1568) to provide that loans made by certain financial institutions on and after April 1, 1937, and prior to April 1, 1939, may be insured by the Administrator of the National Housing Administration; to the Committee on Banking and Currency.

By Mr. GIBSON:

A bill (S. 1569) to promote safety of life and property at sea and to aid in preventing marine disasters; to the Committee on Commerce.

By Mr. FRAZIER:

A bill (S. 1570) granting the consent of Congress to compacts or agreements between the States of Minnesota, South Dakota, and North Dakota with respect to the Red River of the North; to the Committee on Commerce.

By Mr. McADOO:

A bill (S. 1571) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936; to the Committee on Commerce.

By Mr. BULOW:

A bill (S. 1572) for the relief of Frank Fisher; to the Committee on Military Affairs.

A bill (S. 1573) granting an increase of pension to Louis P. Mousseau; to the Committee on Pensions.

A bill (S. 1574) relating to the compensation of certain postmasters; and

A bill (S. 1575) to change the rates of compensation of certain postmasters; to the Committee on Post Offices and Post Roads.

By Mr. VANDENBERG:

A bill (S. 1576) to provide that manuscripts of authors' works may be carried in the mails as third-class or fourth-class matter; to the Committee on Post Offices and Post Roads.

By Mr. TYDINGS:

A bill (S. 1577) to authorize the Commissioners of the District of Columbia to reappoint David R. Thompson and Ralph S. Warner in the police department of such district; to the Committee on the District of Columbia.

By Mr. BULKLEY:

A bill (S. 1578) for the relief of Anastasia Sardyga; to the Committee on Immigration.

A bill (S. 1579) to amend "An act for the establishment of marine schools, and for other purposes", approved March 4, 1911; to the Committee on Naval Affairs.

By Mr. ANDREWS:

A bill (S. 1580) to provide for the conveyance to the city of St. Augustine, Fla., of a tract of land formerly used as the site of a naval radio station; to the Committee on Naval Affairs.

By Mr. WHEELER:

A bill (S. 1581) to supplement existing antitrust acts, to protect the public against combinations in restraint of trade, to prevent unnecessary and wasteful cross hauling of commodities, to restore and preserve purchasing power, and to aid in the prevention of the recurrence of economic stringency, and for other purposes; to the Committee on Interstate Commerce.

A bill (S. 1582) for the relief of Halvor H. Groven; and

A bill (S. 1583) for the relief of Stanley Kilminster; to the Committee on Claims.

A bill (S. 1584) granting a pension to Daniel S. J. Leif; to the Committee on Pensions.

By Mr. RADCLIFFE:

A bill (S. 1585) for the relief of Sallie S. Twilley; to the Committee on Claims.

A bill (S. 1586) to authorize the Secretary of War to sell to the General Motors Corporation a tract of land comprising part of Holabird quartermaster depot, Baltimore, Md.; to the Committee on Military Affairs.

By Mr. BYRD:

A bill (S. 1587) granting a pension to Margaret Williams; to the Committee on Pensions.

A bill (S. 1588) for the relief of Tidewater Construction Corporation; to the Committee on Claims.

By Mr. BORAH:

A bill (S. 1589) for the relief of Mr. and Mrs. Robert O. Brown; to the Committee on Claims.

By Mrs. CARAWAY:

A bill (S. 1590) for the relief of Warren J. Fox; and

A bill (S. 1591) for the relief of H. M. Gregory; to the Committee on Claims.

By Mr. NYE:

A bill (S. 1592) for the relief of Walter A. Libby; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 1593) for the relief of Helen Mahar Johnson;

A bill (S. 1594) for the relief of Eva Markowitz; and

A bill (S. 1595) for the relief of Marion Von Bruning (nee Marion Hubbard Treat); to the Committee on Claims.

A bill (S. 1596) relating to the holding of two offices of profit under the United States; to the Committee on the Judiciary.

By Mr. HERRING:

A bill (S. 1597) to amend the Banking Act of 1935; to the Committee on Banking and Currency.

By Mr. PITTMAN:

A bill (S. 1598) for the relief of Mrs. M. N. Shwamberg and others;

A bill (S. 1599) for the relief of certain officers and employees of the Foreign Service of the United States who, while in the course of their respective duties suffered losses of personal property by reason of war, catastrophes of nature, and other causes;

A bill (S. 1600) authorizing an appropriation for payment to the Government of Canada for the account of Janet Hardcastle Ross, a citizen of Canada;

A bill (S. 1601) authorizing an appropriation for payment to the Government of Great Britain for the account of N. J. Moosa, a British subject;

A bill (S. 1602) authorizing an appropriation for payment to the Government of Great Britain for the account of the Shanghai Electric Construction Co., Ltd.;

A bill (S. 1603) authorizing an appropriation for payment to the Government of Great Britain for the account of certain British citizens;

A bill (S. 1604) authorizing an appropriation for payment to the French Government for the account of Henry Borday, a citizen of France;

A bill (S. 1605) authorizing an appropriation for payment to the Government of Chile for the account of Enriqueta Koch V. de Jeanneret, a citizen of Chile;

A bill (S. 1606) authorizing an appropriation for payment to the Government of the Dominican Republic for the account of Mercedes Martinez Viuda de Sanchez, a Dominican subject;

A bill (S. 1607) authorizing an appropriation for payment to the Government of Japan for proposed deportation of enemy aliens from China during the World War;

A bill (S. 1608) authorizing an appropriation for payment to the Government of the Netherlands for the account of the family of Miguel Paula;

A bill (S. 1609) authorizing an appropriation for payment to the Government of Nicaragua for the account of Mrs. Mercedes V. de Williams and others;

A bill (S. 1610) authorizing an appropriation for payment to the Government of China for the account of Ling Mau Mau, a citizen of China;

A bill (S. 1611) authorizing an appropriation for payment to the Government of China for the account of Li Po-tien;

A bill (S. 1612) authorizing an appropriation for payment to the Government of China for the account of certain Chinese citizens;

A bill (S. 1613) authorizing an appropriation for payment to the Government of China for the account of certain Chinese citizens;

A bill (S. 1614) authorizing an appropriation for payment to the Government of China for the account of certain Chinese citizens;

A bill (S. 1615) authorizing an appropriation for payment to the Government of China for the account of certain citizens of China; and

A bill (S. 1616) authorizing an appropriation for the payment of the claim of Gen. Higinio Alvarez, a Mexican citizen, with respect to lands on the Farmers Banco in the State of Arizona; to the Committee on Foreign Relations.

By Mr. CAPPER:

A bill (S. 1617) relating to the rate of interest on loans by Federal land banks; to the Committee on Banking and Currency.

A bill (S. 1618) to provide annuities for certain widows of employees and retired employees of the United States and the District of Columbia; to the Committee on Civil Service.

A bill (S. 1619) granting an increase of pension to Josephine Chacey (with accompanying papers); to the Committee on Pensions.

By Mr. MOORE:

A bill (S. 1620) for the relief of the Passaic Valley sewerage commissioners; to the Committee on Claims.

By Mr. WHEELER:

A bill (S. 1621) to credit certain Indian tribes with sums heretofore expended from tribal funds on Indian irrigation works; and

A bill (S. 1622) authorizing the Arapahoe and Cheyenne Indians to submit claims to the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. WHEELER and Mr. BONE:

A joint resolution (S. J. Res. 80) proposing an amendment to the Constitution of the United States providing that any law held unconstitutional by the Supreme Court shall be valid if reenacted by Congress; to the Committee on the Judiciary.

By Mr. ASHURST:

A joint resolution (S. J. Res. 81) relating to objects of expenditure by the United States Constitution Sesquicentennial Commission; to the Committee on Appropriations.

By Mr. COPELAND:

A joint resolution (S. J. Res. 82) to amend section 7 of the act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended; to the Committee on the District of Columbia.

By Mr. WALSH (by request):

A joint resolution (S. J. Res. 83) creating a commission for the erection of a memorial building to the memory of the veterans of the Civil War, to be known as the Ladies of the Grand Army of the Republic National Shrine Commission; to the Committee on the Library.

By Mr. McCARRAN:

A joint resolution (S. J. Res. 84) to authorize the Postmaster General to withhold the awarding of star-route contracts for a period of 60 days; to the Committee on Post Offices and Post Roads.

By Mr. POPE:

A joint resolution (S. J. Res. 85) authorizing an appropriation for an investigation of the social and economic needs of laborers migrating across State lines; to the Committee on Education and Labor.

TENURE AND COMPENSATION OF CERTAIN JUDGES

Mr. BURKE. Mr. President, I ask consent to introduce a joint resolution providing for a constitutional amendment relating to the tenure in office and compensation of judges of the Supreme and inferior courts. I ask unanimous consent that before its reference to the Committee on the Judiciary it may be read by the clerk.

There being no objection, the joint resolution (S. J. Res. 86) proposing an amendment to article III, section 1, of the Constitution of the United States relating to the tenure in office and compensation of judges of the Supreme and inferior courts, was read the first time by its title, the second time at length, and referred to the Committee on the Judiciary, as follows:

Joint resolution proposing an amendment to article III, section 1, of the Constitution of the United States, relating to the tenure in office and compensation of judges of the Supreme and inferior courts

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution, in lieu of article III, section 1, when ratified by the legislatures of three-fourths of the several States:

"ARTICLE III

"SECTION 1. The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and upon reaching the age of 70 years any such judge may retire, and upon reaching the age of 75 years every such judge shall retire. Said judges shall at stated times receive a compensation which shall not be diminished during their continuance in office nor during their period of retirement.

"Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission to the States by the Congress."

COURT ORDERS RESTRAINING ENFORCEMENT OF LAWS

Mr. McCARRAN. Mr. President, I send to the desk a resolution, which I ask to have read.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 82) was read, as follows:

Whereas the President of the United States has presented to Congress a message bearing upon the judiciary and judicial reform, and has made reference to the delays surrounding the administration of justice and the inequality, uncertainty, and delay in the disposition of vital questions of constitutionality arising under our fundamental law; and

Whereas the operations of the Government, including the collection of its revenues, have been impaired and suspended by the exercise of jurisdiction over its agencies by the Federal courts; and

Whereas as a result of the issuance of extraordinary writs by Federal courts and of judgments rendered in such courts, such writs and judgments in all amounting to several thousands within the past 3 years, acts of Congress have been set aside or nullified or made inoperative: Therefore be it

Resolved, That for the aid and information of the Congress in the consideration of such conditions with a view to the correction of such abuses as may exist, the Treasury Department, the Department of Justice, the Department of the Interior, the Department of Agriculture, the Department of Commerce, the Department of Labor, the Interstate Commerce Commission, the National Mediation Board, the Federal Trade Commission, the Veterans' Administration, the Federal Power Commission, the Federal Communications Commission, the Federal Emergency Administration of Public Works, the Social Security Board, the Tennessee Valley Authority, the Railroad Retirement Board, the National Labor

Relations Board, the Works Progress Administration, the Securities Exchange Commission, and the National Bituminous Coal Commission are each requested to transmit to the Senate, at the earliest practicable date, the following information:

(1) A statement of all cases in which injunctions, restraining orders, or other judgments have been issued, rendered, or denied by the Supreme Court or inferior Federal courts since March 4, 1933, enjoining, suspending, or restraining the enforcement, operation, or execution of any act of Congress, or any provision thereof, administered by such department or agency, or by any other agency the functions of which have heretofore been transferred to such department or agency.

(2) A brief statement concerning each of such cases, showing the extent to which, and the manner in which, the operations of the Government have been affected.

(3) A statement showing the instances in which there has been a conflict among the inferior Federal courts with regard to such cases.

Mr. McCARRAN. Mr. President, with reference to the resolution I may say that it merely calls for information which will be of value for the assistance of Congress and for the assistance of the Committee on the Judiciary. I respectfully ask for immediate consideration of the resolution in order that the information sought from the respective departments may be available.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nevada?

Mr. GLASS. Mr. President, reserving the right to object, I shall object if its consideration leads to any debate.

Mr. McCARRAN. If there is any debate, I shall withdraw my request.

Mr. BLACK. Mr. President, I do not desire to object. I do not wish to make any suggestion that may take any time. However, I should like to ask the Senator who offered the resolution if he will not add a clause that in addition to cases in which injunctions have been granted, the several departments shall give information in connection with cases in which injunctions have been requested and denied?

Mr. McCARRAN. I have no objection to such an amendment.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. GLASS. Mr. President, I reserve the right to object; and if its consideration does lead to debate, I shall object.

Mr. ROBINSON. Mr. President, I suggest that the resolution be passed over for the present.

Mr. McCARRAN. That is agreeable to me.

The VICE PRESIDENT. The resolution will be passed over.

Mr. McCARRAN subsequently said: Mr. President, earlier today I submitted a resolution and asked for its immediate consideration. At that time it was thought not best to take up the resolution. I now ask that the resolution be taken up for immediate consideration.

The PRESIDING OFFICER (Mr. RUSSELL in the chair). Is there objection to the present consideration of the resolution submitted by the Senator from Nevada?

Mr. McKELLAR. What is the resolution?

Mr. McCARRAN. In order that the resolution may be understood by Senators who were not here when it was originally read, I ask to have it again read.

The PRESIDING OFFICER. Without objection, the resolution again will be read for the information of the Senate.

Mr. ROBINSON. Mr. President, the resolution has been read once. Let the Senator from Nevada state its purpose. It is very easily done.

Mr. McCARRAN. I will state that in view of the controversy which is extending over the country, and in view of the fact that the Senate and House of Representatives of the United States desire to be enlightened and to have at hand authentic information with reference to the effect of extraordinary writs issued by the Federal courts bearing on legislation, I have submitted a resolution asking the several departments to report to the Senate of the United States as to the number of writs affecting their respective departments that have been issued and as to the number that have been denied. The resolution addresses itself to the departments in which the litigation has taken place at times in the past. It is for the purpose of obtaining first-hand information for the Senate of the United States, in order that we may ap-

proach the consideration of a very important subject which is now pending.

Mr. McKELLAR. Mr. President, I wish to say that I have no objection whatsoever. On the contrary, I am very heartily in favor of the Senator's resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution referred to by the Senator from Nevada?

There being no objection, the resolution was considered by the Senate and agreed to.

STAR-ROUTE MAIL CONTRACTS—AMENDMENT

Mr. McCARRAN submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 740) to provide for the issuance of renewable 4-year-term contracts to qualified star-route contractors and subcontractors, and for other purposes, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

TARIFFS ON AND PRODUCTION OF AGRICULTURAL PRODUCTS—AMENDMENTS

Mr. OVERTON (for himself and Mr. PEPPER, Mr. ANDREWS, and Mr. ELLENDER) submitted two amendments intended to be proposed by them to the joint resolution (H. J. Res. 96) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended, which were referred to the Committee on Finance and ordered to be printed.

CHANGES OF REFERENCE

On motion by Mr. TYDINGS, the Committee on Territories and Insular Affairs was discharged from the further consideration of the bill (S. 1096) to amend section 863, title 48, of the Code of Laws of the United States of America relating to the District Court of the United States for Puerto Rico, and it was referred to the Committee on the Judiciary.

Mr. COPELAND. Mr. President, I am about to make a request and should like to have the attention of the Senator from Massachusetts [Mr. LODGE]. The Senator from Massachusetts has introduced a bill, being Senate bill 28, to provide for taking a national unemployment census. The bill was referred to the Committee on Commerce. I think the bill should be referred to the Committee on Education and Labor, and, if there be no objection, I ask that the Committee on Commerce be discharged from the further consideration of the bill and that it be referred to the Committee on Education and Labor.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the change of reference will be made.

Mr. SCHWELLENBACH. Mr. President, on Monday last I introduced the bill (S. 1516) to authorize certain payments to the American War Mothers, Inc., the Veterans of Foreign Wars of the United States, Inc., and the Disabled American Veterans of the World War, Inc., which by mistake was referred to the Committee on Claims. Two similar bills involving the same subject passed the Senate during the last session. They were both considered by the Committee on Military Affairs. Therefore, I ask unanimous consent that the Committee on Claims be discharged from the further consideration of the bill and that it be referred to the Committee on Military Affairs.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated below:

H. R. 77. An act for payment of compensation to persons serving as postmaster at third- and fourth-class post offices;

H. R. 1521. An act to amend the act of February 28, 1925 (43 Stat. 1053), relative to postal rates on third-class mail matter;

H. R. 1609. An act to credit laborers in the Postal Service with any fractional part of a year's substitute service toward promotion;

H. R. 1972. An act giving superintendents at classified post-office stations credit for substitutes serving under them;

H. R. 2021. An act to provide time credits for substitutes in the motor-vehicle service;

H. R. 2738. An act to extend the provisions of the 40-hour law for postal employees to watchmen and messengers in the Postal Service; and

H. R. 3610. An act to adjust the salaries of rural letter carriers; to the Committee on Post Offices and Post Roads.

H. R. 168. An act to authorize an increase in the annual appropriation for books for the adult blind; to the Committee on Education and Labor.

H. R. 1543. An act to amend section 24 of the Immigration Act of 1917, relating to the compensation of certain Immigration and Naturalization Service employees, and for other purposes; to the Committee on Immigration.

H. R. 194. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr.;

H. R. 1550. An act authorizing a preliminary examination and survey of the Skagway River in the vicinity of Skagway, Alaska;

H. R. 1629. An act to provide for a preliminary examination and survey of the Mackinaw River in Illinois with a view to flood control;

H. R. 2306. An act to authorize the Crew Levick Co., and such other corporation or individuals as may be associated with it, to construct a bridge across the portion of the Delaware River between the mainland of the county of Camden and State of New Jersey, and Petty Island in said county and State;

H. R. 2503. An act to extend the time for completing the construction of a bridge across the Columbia River near The Dalles, Oreg.;

H. R. 3148. An act granting the consent of Congress to the State of Alabama, or Etowah County, or both, to construct, maintain, and operate a free highway bridge across the Coosa River at or near Gilberts Ferry in Etowah County, Ala.;

H. R. 3675. An act to extend the times for commencing and completing the construction of a bridge across the Savannah River at or near Lincolnton, Ga.; and

H. R. 3689. An act declaring Turtle Bay and Turtle Bayou, Chambers County, Tex., to be nonnavigable waterways; to the Committee on Commerce.

H. R. 2702. An act to permit grand-jury extensions to be ordered by any district judge;

H. R. 2703. An act to provide for the representation of the United States Court of Appeals for the District of Columbia on the annual conference of senior circuit judges;

H. R. 2705. An act to provide for the manner of inflicting the punishment of death;

H. R. 3284. An act to transfer Crawford County, Iowa, from the southern judicial district of Iowa to the northern judicial district of Iowa; and

H. R. 3411. An act to amend section 112 of the Judicial Code, to provide for the inclusion of Whitman County, Wash., in the northern division of the eastern district of Washington; to the Committee on the Judiciary.

H. R. 3425. An act providing payment to employees, Bureau of Reclamation, for mileage traveled in privately owned automobiles; to the Committee on Irrigation and Reclamation.

H. R. 4609. An act to authorize the purchase and distribution of products of the fishing industry; to the calendar.

H. J. Res. 131. Joint resolution for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for January 20, 1937; to the Committee on Appropriations.

H. J. Res. 212. Joint resolution to amend the act entitled "An act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", approved August 29, 1935; to the Committee on Finance.

QUALIFICATIONS OF PRACTITIONERS OF LAW IN THE DISTRICT

Mr. KING. Mr. President, I desire to enter a motion to reconsider the vote by which Senate bill 204, relative to the qualifications of practitioners of law in the District of Columbia, was ordered to be engrossed for a third reading and

passed on Monday last. I also ask that the House of Representatives be requested to return the bill.

The VICE PRESIDENT. Without objection, the motion will be entered, and the House of Representatives will be requested to return the bill.

COMMITTEE SERVICE

On motion by Mr. McNARY, and by unanimous consent, it was

Ordered, That the Senator from Oregon (Mr. McNARY) be excused from further service on the Committee on Territories and Insular Affairs, and that the Senator from Massachusetts (Mr. Lodge) be appointed to membership on that committee; also that the Senator from Massachusetts (Mr. Lodge) be excused from further service on the Committee on Printing.

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR M'ADOO

[Mr. ASHURST asked and obtained leave to have printed in the RECORD a radio address delivered by Senator McAdoo on Feb. 16, 1937, on the subject of the proposed reorganization of the Federal judiciary, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY

[Mr. KING asked and obtained leave to have printed in the RECORD a radio address on the reorganization of the Federal judiciary, delivered by Senator VAN NUYS on Tuesday, Feb. 16, 1937, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR MINTON

[Mr. BLACK asked and obtained leave to have printed in the RECORD a radio address delivered by Senator MINTON on Monday, Feb. 15, 1937, on the subject of the President's proposal to reorganize the Federal judiciary, which appears in the Appendix.]

JUDICIAL REFORM—ADDRESS BY SENATOR THOMAS OF UTAH

[Mr. LEWIS asked and obtained leave to have printed in the RECORD a radio address delivered on Feb. 16, 1937, by Senator THOMAS of Utah on the subject of judicial reform, which appears in the Appendix.]

INDEPENDENCE OF THE JUDICIARY—ADDRESS BY A. LAWRENCE LOWELL

[Mr. AUSTIN asked and obtained leave to have printed in the RECORD a radio address delivered by A. Lawrence Lowell, former president of Harvard University, on the subject of the independence of the judiciary and the permanence of American institutions, which appears in the Appendix.]

BUSINESS AND THE PROPOSED FEDERAL ADMINISTRATIVE COURT

[Mr. LOGAN asked and obtained leave to have printed in the RECORD an address delivered by Col. O. R. McGuire, chairman, special committee on administrative law, American Bar Association, on the subject of business and the proposed Federal Administrative Court, which appears in the Appendix.]

LABOR AND LEGISLATION—ADDRESS BY WILLIAM GREEN

[Mr. McCARRAN asked and obtained leave to have printed in the RECORD a radio address delivered by William Green, president of the American Federation of Labor, Saturday, Feb. 13, on the subject of labor and legislation, which appears in the Appendix.]

ABRAHAM LINCOLN

[Mr. POPE asked and obtained leave to have printed in the RECORD an editorial from the Boise Capital News of Feb. 12, 1937, entitled "A Man Called Lincoln", which appears in the Appendix.]

INDEPENDENT OFFICES APPROPRIATIONS

Mr. GLASS. I move that the Senate proceed to the consideration of House bill 4064, the independent offices appropriation bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Virginia.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 4064) making appropriations for the Executive Office and sundry independent executive bureaus,

boards, commissions, and offices for the fiscal year ending June 30, 1938, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. GLASS. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendments of the committee be first considered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Virginia? The Chair hears none, and it is so ordered.

Mr. LEWIS. Mr. President, I ask the able Senator from Virginia if he will state the purport of the bill.

Mr. GLASS. I will state to the Senator from Illinois that the purport of the bill is to make appropriations for the independent offices in Washington; and as the bill is read for action on the amendments it will appear exactly what definite appropriations are made for the respective offices.

The PRESIDENT pro tempore. The clerk will read the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 6, after line 10, to strike out:

CENTRAL STATISTICAL BOARD

For every expenditure requisite for and incident to the work of the Central Statistical Board as authorized by law, including traveling expenses; materials; supplies; office equipment; services; newspapers; periodicals and press clippings; repairs and alterations; contract stenographic reporting services and not to exceed \$400 for expenses of attendance at meetings which in the discretion of the chairman are necessary for the efficient discharge of the responsibilities of the Board, \$173,000, of which amount not to exceed \$163,000 may be expended for personal services in the District of Columbia.

For all printing and binding for the Central Statistical Board, \$1,000.

Total, Central Statistical Board, \$174,000.

The amendment was agreed to.

The next amendment was, under the heading "National Archives", on page 25, line 18, after the words "first aid" and the comma, to strike out "protective, and other apparatus and materials for the arrangement, titling, scoring, repair, processing, editing, duplication, reproduction, and authentication of photographic records (including motion-picture films) and sound recordings in the custody of the Archivist" and insert "and protective apparatus, and materials for the arrangement, repair, reproduction, and authentication of documentary, photographic, or other archives or records", and on page 26, line 13, after the word "expenses", to strike out "\$735,000" and insert "\$615,000", so as to read:

Salaries and expenses: For the Archivist and for all other authorized expenditures of the National Archives in carrying out the provisions of the act of June 19, 1934 (48 Stat. 1122-1124; U. S. C., title 40, ch. 2A); the act of July 26, 1935 (49 Stat. 500-503; U. S. C., Supp. 1, title 44, ch. 8A); and the act of June 22, 1936 (Public, No. 756, 74th Cong.), including personal services in the District of Columbia; supplies and equipment, including scientific, technical, first-aid and protective apparatus, and materials for the arrangement, repair, reproduction, and authentication of documentary, photographic, or other archives or records; purchase and exchange of books, including law books, books of reference, maps, and charts; contract stenographic reporting services; purchase of newspapers, periodicals, and press clippings; not to exceed \$100 for payment in advance when authorized by the Archivist for library membership in societies whose publications are available to members only or to members at a price lower than to the general public; travel expenses, including not to exceed \$1,000 for the expenses of attendance at meetings concerned with the work of the National Archives; repairs to equipment; maintenance and operation of motor vehicles, including the purchase and exchange of one passenger-carrying automobile for official use; and all other necessary expenses, \$615,000:

The amendment was agreed to.

The next amendment was, on page 26, line 21, to reduce the total appropriation for the National Archives from \$752,000 to \$632,000.

The amendment was agreed to.

The next amendment was, under the heading "Social Security Board", on page 37, line 4, after the words "salary of", to strike out "\$9,500" and insert "\$9,000"; and on page 38, line 6, after the word "Board" and the comma, to strike out "\$10,000,000" and insert "\$9,000,000", so as to read:

Salaries and expenses: For all authorized and necessary administrative expenses of the Social Security Board in performing the duties imposed upon it in titles I, II, III, IV, VII, IX, and X of the Social Security Act, approved August 14, 1935, including three Board members, an executive director at a salary of \$9,000 a year, a director of the old-age benefits division at a salary of \$9,000 a year, and other personal services in the District of Columbia and elsewhere; travel expenses, including not to exceed \$10,000 for expenses of attendance at meetings concerned with the work of the Board when specifically authorized by the chairman; not to exceed \$10,000 for payment of actual transportation expenses, and not to exceed \$10 per diem in lieu of subsistence and other expenses of persons serving while away from their home, without other compensation, in an advisory capacity to the Social Security Board; supplies; reproducing, photographing, and all other equipment, office appliances, and labor-saving devices; services; advertising, postage, telephone, telegraph, and not to exceed \$900 for teletype news services and tolls; newspapers and press clippings (not to exceed \$1,500), periodicals, manuscripts, and special reports, purchase and exchange of law books and other books of reference; library membership fees or dues in organizations which issue publications to members only or to members at a lower price than to others, payment for which may be made in advance; alterations and repairs; rentals, including garages, in the District of Columbia or elsewhere; purchase and exchange, not to exceed \$35,000, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles to be used only for official purposes in the District of Columbia and in the field; and miscellaneous items, including those for public instruction and information deemed necessary by the Board, \$9,000,000, together with any unexpended balance of the appropriation for the same purpose contained in the First Deficiency Appropriation Act, fiscal year 1936.

The amendment was agreed to.

The next amendment was, on page 38, line 21, after the name "United States", to insert a colon and the following additional proviso:

Provided further, That no salary shall be paid for personal services from the money herein appropriated under the heading "Social Security Board" in excess of the rates allowed by the Classification Act of 1923, as amended, for similar services: *Provided further*, That this proviso shall not apply to the salaries of the Board members: *Provided further*, That none of the funds herein appropriated under the heading "Social Security Board" shall be used to pay the salary of any expert or attorney receiving compensation of \$5,000 or more per annum unless and until such expert or attorney shall be appointed by the President, by and with the advice and consent of the Senate.

The amendment was agreed to.

The next amendment was, on page 40, line 2, after the figures "1935", to strike out "\$29,000,000" and insert "\$15,000,000", so as to read:

Grants to States for unemployment compensation administration: For grants to States for unemployment compensation administration, as authorized in title III of the Social Security Act, approved August 14, 1935, \$15,000,000, together with any unexpended balance of the appropriation for the same purpose contained in the First Deficiency Appropriation Act, fiscal year 1936, on which sum such amount as may be necessary shall be available for grants under such title III for any period in the fiscal year 1937 from and after January 1, 1937.

The amendment was agreed to.

The next amendment was, on page 41, line 21, to reduce the total appropriation for the Social Security Board from \$254,600,000 to \$239,600,000.

The amendment was agreed to.

The next amendment was, under the heading "Emergency agencies", on page 47, after line 14, to insert:

COMMODITY CREDIT CORPORATION

Not to exceed \$525,000 of the funds of the Commodity Credit Corporation, established as an agency of the Government by Executive Order No. 6340, dated October 16, 1933, continued to April 1, 1937, as a governmental agency under section 7 of the act approved January 31, 1935 (Public, No. 1, 74th Cong.), and further continued to June 30, 1939, by the act of January 26, 1937 (Public, No. 2, 75th Cong.), shall be available during the fiscal year 1938 for administrative expenses of the Corporation, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the act of June 3, 1926, as amended (U. S. C., title 5, secs. 821-833); printing and binding; law books and books of reference; not to exceed \$150 for periodicals, maps, and newspapers; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other necessary administrative expenses: *Provided*, That all necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which

it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof.

Mr. KING. Mr. President, I desire to ask a question of the able Senator from Virginia. In the consideration of the item under the head of "Commodity Credit Corporation", was any consideration given to the abolishment of this agency? I do not know that the question properly arises at this time, but I was wondering if the facts which were adduced would warrant a continuation of the organization beyond the present fiscal year.

Mr. GLASS. There was some desultory conversation in the committee about the desirability of abolishing the Commodity Credit Corporation, but it was not regarded as a wise thing to do at this time. We simply adopted the recommendation of the Budget Bureau as approved by the President. It came in at the eleventh hour. We cut the amount from \$590,000.

Mr. KING. That probably commits us, then, to the continuation of the organization for the next fiscal year, unless in the meantime there should be legislation.

Mr. GLASS. Should the House concur in the action of the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 48, after line 17, to insert:

ELECTRIC HOME AND FARM AUTHORITY

Not to exceed \$300,000 of the funds of the Electric Home and Farm Authority, established as an agency of the Government by Executive Order No. 7139, of August 12, 1935, continued to February 1, 1937, by the act of March 31, 1936 (Public, No. 484, 74th Cong.), and continued further until June 30, 1939, by the act of January 26, 1937 (Public, No. 2, 75th Cong.), shall be available during the fiscal year 1938 for administrative expenses of the Authority, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the standardized Government travel regulations and the act of June 3, 1926, as amended (U. S. C., title 5, secs. 821-833); printing and binding; law books and books of reference; not to exceed \$200 for periodicals, newspapers, and maps; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other administrative expenses: *Provided*, That all necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, care, repair, and disposition of any security or collateral now or hereafter held or acquired by the Authority, shall be considered as nonadministrative expenses for the purposes hereof.

The amendment was agreed to.

The next amendment was, on page 49, after line 18, to insert:

EXPORT-IMPORT BANK OF WASHINGTON

Not to exceed \$50,000 of the funds of the Export-Import Bank of Washington, established as an agency of the Government by Executive Order No. 6581, of February 2, 1934, continued until June 16, 1937, by the act approved January 31, 1935 (Public, No. 1, 74th Cong.), and further continued until June 30, 1939, under the act approved January 26, 1937 (Public, No. 2, Seventy-fifth Cong.), shall be available during the fiscal year 1938 for administrative expenses of the bank, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the standardized Government travel regulations and the act of June 3, 1926, as amended (U. S. C., title 5, secs. 821-833); printing and binding; law books and books of reference; not to exceed \$250 for periodicals, newspapers, and maps; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other necessary administrative expenses: *Provided*, That all necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the bank or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof.

The amendment was agreed to.

The next amendment was, under the heading "Federal Housing Administration", on page 53, line 19, after the word "exceed", to strike out "\$9,500,000" and insert "\$10,000,000", so as to read:

Not to exceed \$10,000,000 of the funds advanced by the Reconstruction Finance Corporation to the Federal Housing Administration, created under authority of the National Housing Act of June 27, 1934 (48 Stat., p. 1246), shall be available during the fiscal year 1938 for administrative expenses of the Administration, including: Personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the act of June 3, 1926, as amended (U. S. C., title 5, secs. 821-833), except employees engaged in the inspection of property may be paid an allowance not to exceed 4 cents per mile for all travel performed by motor vehicle in connection with such inspection; printing and binding; law books, books of reference, and not to exceed \$1,500 for periodicals and newspapers; not to exceed \$1,500 for contract actuarial services; procurement of supplies, equipment, and services; maintenance, repair, and operation of motor-propelled passenger-carrying vehicles to be used only for official purposes; payment, when specifically authorized by the Administrator, of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses to persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Administration; not to exceed \$2,000 for expenses of attendance, when specifically authorized by the Administrator, at meetings concerned with the work of the Administration; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other necessary administrative expenses.

The amendment was agreed to.

The next amendment was, on page 55, line 12, after "secs. 1701-1723)", to insert a colon and the following additional proviso:

Provided further, That not exceeding \$300,000 of the sum herein authorized to be advanced from the Reconstruction Finance Corporation shall be expended in the District of Columbia during the fiscal year 1938 for purposes of the Public Relations and Education Division.

The amendment was agreed to.

The next amendment was, on page 60, after line 15, to strike out:

SEC. 4. None of the funds herein appropriated for any executive department or other executive agency shall be available to pay any compensation or other expense in connection with any investigation or inquiry under a resolution of either House of Congress.

The amendment was agreed to.

The next amendment was, on page 60, line 21, to change the section number from 5 to 4.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TEACHING COMMUNISM IN THE DISTRICT PUBLIC SCHOOLS

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 148) to repeal a proviso relating to teaching or advocating communism in the public schools of the District of Columbia, and appearing in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936, which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the proviso appearing in the fourteenth paragraph under the subheading "Miscellaneous", under the heading "Public Schools", in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936, approved June 14, 1935 (49 Stat. 356), and reading as follows: "*Provided*, That hereafter no part of any appropriation for the public schools shall be available for the payment of the salary of any person teaching or advocating communism" is hereby amended to read as follows: "*Provided*, That hereafter no part of any appropriation for the public schools shall be available for the payment of the salary of any person advocating communism or treating any such doctrine with favor or support; but no official or teacher shall be required to make any special declaration of nonviolation thereof as a condition for payment of salary."

Mr. BLACK. Mr. President, I move that the Senate strike out, commencing with the word "hereby" in line 2, page 2, down to and including the word "salary" in line 8, and that the word "repeal" be inserted in lieu thereof.

The PRESIDENT pro tempore. Does the Senator ask unanimous consent for the consideration of the bill?

Mr. BLACK. I do.

Mr. McNARY. Mr. President, I am not familiar with the bill. There should be an explanation of it.

Mr. BLACK. I expect to make a statement about it.

Mr. McNARY. Let the statement be made, and then I shall decide whether I desire to object.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent for the present consideration of House bill 148.

Mr. BLACK. Mr. President, I understood this to be a privileged matter. The Senate passed a bill repealing the so-called "red rider." The House declined to agree to that bill as it was passed by the Senate. They passed a bill providing for a partial repeal, and the House bill has now come to the Senate for action.

Mr. ROBINSON. Mr. President, may I ask whether the House has passed upon the Senate bill, or did it pass a separate bill?

Mr. WHEELER. It passed a separate bill.

Mr. BLACK. Mr. President, I was mistaken in my statement a few minutes ago. I did not know the House had passed a separate bill. The House did not pass upon the bill which was passed by the Senate; so it is necessary to have unanimous consent for consideration of the bill.

The Senate passed a bill which went to the House. The bill of the Senate constituted a repeal of the so-called "red rider" clause with reference to the District of Columbia schools. The House did not act upon the Senate bill. The House acted upon a bill pending in that body.

The difference between the bill of the House and the bill of the Senate is that the Senate bill provides an outright repeal of the original law which was a rider upon an appropriation act. The House did not repeal that rider in toto. Instead, it has provided that the law shall read as follows:

That hereafter no part of any appropriation for the public schools shall be available for the payment of the salary of any person advocating communism or treating any such doctrine with favor or support; but no official or teacher shall be required to make any special declaration of nonviolation thereof as a condition for payment of salary.

The request I make is that the bill may be taken up for consideration, based upon the facts which I shall state.

Mr. BORAH. Mr. President, is the Senator asking for immediate consideration of the bill?

Mr. BLACK. That is the request I am making.

Mr. BORAH. I believe I have no objection to immediate consideration, but I think the amendment is on the desks of Senators. I have not been able to obtain a copy of it. I am very much in favor of direct repeal, and I should like to have an opportunity to show, if I can—and I think I can—that the substitute for the direct-repeal proposal does not accomplish anything.

Mr. BLACK. Mr. President, I may state to the Senator that I agree with his views. The entire membership of the Committee on Education and Labor, to which the measure was referred, agreed with his views. We unanimously reported the provision for repeal. It passed the Senate without any objection when it was brought up. For this reason I do not see the necessity of sending the bill back to the committee. The motion I will make, if the measure shall come up for consideration, will be to strike out the words which I have just read and to substitute the word "repeal", which would put into the law the word which has already been adopted in the bill passed by the Senate.

Mr. ROBINSON. Mr. President, may I make a suggestion to the Senator?

Mr. BLACK. I yield.

Mr. ROBINSON. Why does not the Senator propose to strike out all after the enacting clause in the bill which passed the House, and insert the Senate bill?

Mr. BLACK. I shall be very glad to do that when the bill is before the Senate for consideration.

Mr. ROBINSON. That, it seems to me, will assure consideration of the Senate proposal by the other body. What happened in this case is just what frequently transpires; the Senate passes a bill relating to a definite subject matter, it goes to the body at the other end of the Capitol, that body takes no notice, apparently, of the action taken by the Senate, but proceeds to pass upon a separate House measure.

Mr. GLASS. Mr. President, is the Senator quite certain that he is accurate in his statement as to the proceedings?

Mr. WHEELER. The information I have received is to that effect.

Mr. ROBINSON. Yes; I am certain, because the Senate bill was first passed—I do not remember the date—

Mr. BLACK. It was passed on February the 3d.

Mr. ROBINSON. The House bill passed the House on February 8, which clearly shows that after the House had jurisdiction of the Senate bill, this body having passed the Senate bill, the House ignored the action of the Senate and proceeded, as has frequently occurred, to act upon a House measure dealing with the same subject matter. So I suggest to the Senator from Alabama that there can be no objection to the proposal to proceed to the consideration of the bill which has been laid before the Senate, with a view to striking out all after the enacting clause and inserting the language of the Senate bill. I shall object to the consideration of the bill which has passed the House in any other form.

Mr. KING. Mr. President, will the Senator from Alabama yield?

Mr. BLACK. I yield.

Mr. KING. I have been requested by a number of citizens of the District of Columbia to ask, when this measure shall come before the Senate, that the bill be referred to the Committee on Education and Labor, so that opportunity may be afforded citizens to appear and voice their views. They proceeded upon the theory that probably the bill which had passed the House would be taken up for consideration. Pursuant to the request made to me, I suggest that the bill go to the committee, and that opportunity be given to those who desire to be heard pro and con to appear, and that then such action be taken by the committee as to them seems proper.

Mr. BLACK. Mr. President, I may state that this bill was introduced originally on January 6th.

Mr. WHEELER. Mr. President, may I correct the Senator?

Mr. BLACK. I yield.

Mr. WHEELER. A bill identical with the one to which the Senator is referring was introduced at the last session of the Congress; hearings were held before the Committee on Education and Labor at the last session; the bill was reported out of the committee unanimously at the last session of the Congress; an identical bill went to the committee this year; it was again reported, as I understand, unanimously and passed the Senate unanimously, and then was sent to the House.

Mr. BLACK. Mr. President, I desire to supplement the Senator's statement. No request was made for a hearing of any kind or type during the time the bill was pending before the Committee on Education and Labor. I am of the opinion that if a request had been made the committee might have taken the position that the previous hearings—somewhat heated hearings, as I understand—before the House committee, perhaps brought out all the different philosophies which it would have been possible to voice. Personally, I should like to see the bill taken up and acted upon, not only because I favor the passage of the measure, but since the House has seen fit to pass its bill after we had sent a bill to the House, I think it is proper on our part to substitute our measure for the bill which passed the House.

Mr. WHEELER. When that is done it will go to conference, I understand.

Mr. BLACK. I assume so.

Mr. GLASS. Mr. President, I shall not object to unanimous consent for the present consideration of the bill, nor under the circumstances shall I object to the substitution of the Senate bill for the House bill, being assured that it is desirable that the matter should go to conference and be adjured there.

However, I desire to make a further observation. I could not exactly hear what the chairman of the Senate Commit-

tee on the District of Columbia said about it, but it has seemed to me that a proper reference of this bill in the first place would have been to the Senate Committee on the District of Columbia, just as it was referred to the House Committee on the District of Columbia when the House had the problem before it. The matter relates exclusively to the District of Columbia and, in my judgment, the bill should have been considered by the Committee on the District of Columbia.

Then I desire for my own satisfaction to make the statement that I think no problem that has ever been considered by either branch of Congress has had expended on it more arrant nonsense than this so-called "red rider." What is the "red rider"? It is simply a prohibition against the teaching and advocacy in the public schools of the miserable doctrine of communism, thereby poisoning the minds of immature children about a problem concerning which very few grown-up persons know anything. The trouble about the whole matter has been the most astonishing maladministration of a very simple statute of which I have ever had any knowledge, and for one time in 15 years of service the Comptroller General gave the most incredible opinion that any public officer ever gave, which was that every school teacher should each month take an oath that he or she had not taught or advocated communism in the public schools.

There is not a word or sentence in the statute that requires such action or by implication would seem to require it. The supposition of Congress at the time the bill was under consideration—certainly of the Committee on Appropriations considering the deficiency bill—was that the public-school authority, the superintendent of public instruction, who should be intimately acquainted with everything that goes on in the schoolrooms, would simply notify the school teachers that they were not to be permitted to teach or advocate communism, and that was all there was to it. The whole subject has been brought into disrepute by the extraordinary maladministration of a simple statute.

If the Senate now wishes to make an unconditional repeal, that, in my judgment, simply means authorization to school teachers, one and all of them, to teach and preach and advocate communism in the schools, and I do not think that ought to be done.

Mr. WHEELER. Mr. President, I am forced to disagree with the Senator from Virginia. I originally introduced the bill to repeal the "red rider", and asked that it go to the Committee on Education and Labor, and I submit that that is the proper committee to which it should have gone, because the subject deals with education and applies to the teachers of the country. It was a matter of substantive law which, at any rate, had no business being attached to an appropriation bill.

Mr. GLASS. Oh, the Senator knows that it does not apply to the teachers of the country; it applies to the teachers of the District of Columbia.

Mr. WHEELER. I agree that it applies to the teachers of the District of Columbia, but it had no business on an appropriation bill in the first instance. Secondly, while the bill specifically applies to the District of Columbia its passage may set a precedent which may be used in other places, and may affect all the teachers of the United States. That, however, is a mere matter of detail.

Mr. GLASS. I agree with the Senator from Montana that the provision ought not to have been on the appropriation bill. I am always opposed to legislation on appropriation bills.

Mr. KING. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. KING. I do not wish to misinterpret the last statement of the Senator from Montana, but if he intended to convey the idea that we had the right by Federal statute to indicate what could be taught in the schools of the States, I disagree with him.

Mr. WHEELER. I did not intend to have my statement apply to that at all. I did say that hysteria is sweeping the

country with reference to the teachers of the District of Columbia. A school teacher, as I understand, is sworn to support the Constitution of the United States, just the same as is a Senator. However, the proposed legislation went further. It not only provided that the teachers should not teach communism, but it likewise said that they should not teach un-American doctrines.

Mr. GLASS. Oh, no, Mr. President.

Mr. WHEELER. I wish to refer to the amendment.

Mr. KING. Mr. President, the Senator is speaking about the statute.

Mr. GLASS. While the Senator is examining the statute I should like to have him point out any word or sentence in it which authorizes any such thing as requiring a teacher to take an oath.

Mr. WHEELER. It is in the original act.

Mr. KING. Will the Senator again yield?

Mr. WHEELER. I yield.

Mr. KING. The original act contained no such provision as stated by the Senator. It merely provided that teachers should not teach or advocate communism in the schools in the District of Columbia. It did not contain the further provision stated by the Senator.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. COPELAND. If I recollect, Mr. President, the difficulty arose from the interpretation placed by the fiscal officer of the District upon the enactment of the Congress, and that the fiscal officer requires each month, before the pay check is given, that an assertion, and, perhaps, even an oath, must be taken that there has been no action on the part of the teacher to advocate or teach communism. I think that is where the difficulty arose.

Mr. WHEELER. I agree with the Senator from Virginia that the Comptroller had no right to act as he did, and was wrong in putting the interpretation he did upon the provision. However, he not only applied it to the school teachers but he applied it to the janitors and to the clerks and to everybody else. I have a letter from Dr. Ballou with reference to this particular amendment, in which he says:

This morning I read with interest the amendment attached to the bill originally prepared to provide for the outright repeal of the so-called "red rider", which I understand to be as follows—

Then he quotes the language, which contains the words—
Or other un-American doctrine.

That is where I got the wrong impression.

Mr. GLASS. Yes; he mentioned that, but the statute does not.

Mr. WHEELER. I find upon examination that the statute does not mention it. Dr. Ballou continues:

You are undoubtedly aware of the fact that the Comptroller General now requires every officer, teacher, clerk, and custodian in the public schools to make a declaration that he has not taught or advocated communism within the meaning of the existing law as a condition of his receiving his salary. The officers and teachers make such declarations at the end of each month, and the clerks and the custodians make such declarations twice each month, preceding their pay day on the 15th of the month and the final day of the month.

Mr. GLASS. Does the writer say that he thinks there was any warrant in the statute for any such proceeding?

Mr. WHEELER. No.

Mr. GLASS. It is an utterly absurd proceeding.

Mr. WHEELER. Unfortunately, we now have that situation. There is only one way to correct it, and that is to repeal the measure.

Mr. GLASS. Mr. President, there was a way to correct it. Had the superintendent of public instruction, the man in charge, done his duty, he would have notified the school teachers not to teach or advocate communism, and that would have ended it. However, he did not do that.

Mr. WHEELER. I do not agree with the Senator from Virginia that the burden rested on the superintendent of public instruction to tell the teachers anything of the kind. It only involved the superintendent of public instruction in

a controversy in which he should not have been involved. I think the Comptroller was wrong.

I continue reading from Dr. Ballou's letter:

The above amendment specifically provides that "no official or teacher" shall hereafter be required to make such a declaration. If this bill as it finally passed the House of Representatives yesterday becomes a law, the officers and teachers would no longer be required to make declarations as a basis of receiving their pay.

However, no mention is made of the 100 clerks who make such declarations twice a month, and about 725 custodians who make corresponding declarations twice each month. Was it the intention of the House of Representatives that the Comptroller General would continue to require clerks and custodians to make declarations as heretofore? If this was not the intention of the House, then the language in the bill as it passed the House ought, it seems to me, to be so modified as to make that fact clear.

Since it seems apparent that this language represents an oversight, I respectfully suggest that if the conferees of the House and Senate desire to agree upon this amendment as it passed the House, the amendment be modified by including the following language as a substitute—

And so forth.

Mr. President, with reference to the original proposal to the effect that teachers of the District of Columbia should not teach communism, as I understand—and if I am wrong about it I hope someone will correct me—those teachers take an oath to support the Constitution of the United States. I have six children, all of whom have gone or are going to the public schools in the District of Columbia. They have gone through the primary grades, and some have gone clear through the high schools. I submit that every Senator upon the floor of this body and every Member of the House of Representatives who has had children in the public schools of the District of Columbia will say that the teachers in the District of Columbia are of at least as high a grade as can be found anywhere in the United States. I think it is an insult to the intelligence and to the decency of the teachers of the District of Columbia to say to them, "You must take an oath that you will not teach communism", or even to provide in an act of Congress that "You must not teach communism", thereby intimating that we do not have faith or confidence in them.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. ROBINSON. We do not put such provisions in other appropriation bills. We do not say that no part of the funds appropriated to pay the salaries of Congressmen or Senators shall be available to those who advocate communism. We do not make that applicable to executive officers of the Government. Why apply it to a single class of employees in the District of Columbia?

Mr. WHEELER. I agree with the Senator; if we are going to apply it to teachers, let it apply also to others.

Mr. ROBINSON. The use of the language is an implication that the teachers of the District of Columbia are advocating communism.

Mr. GLASS. Mr. President, the testimony before the committee was that some of them were.

Mr. WHEELER. Let me say to the Senator with reference to that suggestion that that is the very trouble with this provision. As I have said, I have had six children going to the public schools here. I know something about the minds of children. I know that my children have come home at times and reported to me that a teacher told them so and so and, on checking it up, I found that the child completely misunderstood what the teacher said. There are many people in the United States today who are denouncing the President of the United States because of his advocacy of a proposal to put six additional judges upon the Supreme Court, and suggesting that that is communism. What is communism?

Mr. ROBINSON. Mr. President, will the Senator from Montana yield to me?

Mr. WHEELER. Yes.

Mr. ROBINSON. The statement is also made that in some instances salaries appropriated for executive employees are actually paid to sympathizers with communism.

Mr. WHEELER. Certainly, and to communists.

Mr. ROBINSON. That is in answer to what was said by the Senator from Virginia. But I renew the point that it is a very feeble effort to incorporate such a provision in a bill relating to a few teachers in the District of Columbia and not to seek to extend the legislation to the very important spheres of administration and legislation itself.

Mr. WHEELER. The Senator from Virginia says that the testimony before the committee was to the effect that some of the school teachers taught communism. If a Senator on this floor will stand up and tell me what is communism, I should like to have him do it. I have not been able to find anybody who can intelligently define the term and tell me what communism is. It is one thing under Stalin; it is another thing under Trotzky; and is another thing under somebody else. The difficulty is that when this hysteria sweeps the country, as it does at times, people completely lose their sense of balance and come forward and say, "This man is a Communist."

I do not agree with the President of the United States with reference to putting six additional judges upon the Supreme Court, but I want to have the school teachers accorded the right to agree with him and discuss the question if they want to without being charged with being Communists. I do not want a school teacher, because he says that he thinks the Constitution ought to be changed, to be charged with communism and discharged from his position. I want the teachers here to have an opportunity to have free speech as everywhere else in the United States of America.

While I am on that subject, let me say that I came into frequent contact with the question of free speech during the World War. At that time, as a matter of fact, there was more hysteria in the United States than could be found in England or France. The farther away from the war the greater the hysteria. People in my State were seeing German airplanes flying over the mountains there with a view to blowing them up, and everyone who did not join in denouncing the Germans was reported to be pro-German or something worse. Even a Senator from Minnesota whose house was painted yellow, notwithstanding the fact that we all recognized him as a great American citizen and just as loyal as anybody else, was denounced during that period of hysteria as being pro-German, as were other Senators in this body.

Mr. BORAH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WHEELER. I yield.

Mr. BORAH. Do I correctly understand that the words "teaching communism" include an explanation to students of what communism is? I do not understand that any of the school teachers in the District have ever advocated communism or that the United States should adopt a communistic form of government or the communistic theory. They have, perhaps, as they ought to have done, advised their students of what communism is. I think that is the best way in the world to get rid of communism, if there is any around.

Mr. WHEELER. Of course, there cannot be any question about that at all. But the trouble is that if a teacher should mention the term "communism" some child, my child or the child of someone else, might get an entirely false impression of what that teacher was trying to tell them about communism; the child might gain the impression that the teacher was trying to teach the students communism. They come home and tell their parents, who then become hysterical and pass it on to somebody else, and somebody else passes it on to somebody else, and finally some of these so-called "crackpots" around the city of Washington, who are always trying to look after the patriotism of the people of the United States, and think that they carry all the patriotism there is in the world in their own breasts, come to Congress and ask Congress solemnly to pass a law to the effect that the teachers in the District of Columbia shall be forbidden to teach or advocate communism, notwithstanding that they have already taken an oath to uphold the Constitution of the United States of America.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Utah?

Mr. WHEELER. I yield.

Mr. KING. The Senator attempted to quote a few moments ago the text of the act. If he will permit me, I should like to read it.

Mr. WHEELER. Certainly.

Mr. KING. The text is as follows:

Provided, That hereafter no part of any appropriation for the public schools shall be available for the payment of the salary of any person teaching or advocating communism.

The prohibition was against advocating as well as teaching.

Mr. BORAH. Mr. President, let me ask what does the Senator understand "teaching communism" to mean?

Mr. KING. I am not called upon to interpret the phrase.

Mr. GLASS. Let me say, if I may be permitted, that the corporation counsel, Mr. Prettyman, interpreted it to mean just exactly what it says—that the teachers should not teach communism or advocate communism.

Let me say, if I may, to the Senator from Montana, that I think we have gone far afield in discussing what was said and done during the World War. To get back to the real question, I agree that this rider should never have been put on the appropriation bill. I have invariably voted against putting legislation on appropriation bills. I was not present at the meeting when this was done, although I find my name attached to the conference report.

Mr. ROBINSON. Mr. President, will the Senator from Virginia yield to me at that point?

Mr. GLASS. I have not the floor, but I yield, if I may.

Mr. ROBINSON. The trouble with the suggestion the Senator is now making is that the language of the act commonly known as the "red rider" did not violate the rule forbidding the incorporation of legislation in an appropriation bill. It was a limitation.

Mr. GLASS. It was so contended that it was a limitation.

Mr. ROBINSON. And it was a limitation to the effect that hereafter no part of any appropriation shall be available, and so forth. That is not legislation within the rules of either body; that is a limitation; and, as has always been held, it is competent for the Congress to incorporate such a limitation in an appropriation bill. Frequently limitations are close akin to legislation, and undoubtedly that was the case in this instance. If, however, there is fear that the teachers in the employ of the Government of the United States will corrupt the minds of the youth whom they instruct, if there is fear that employees of the Government of the United States will pervert fundamental principles of Americanism, as we understand them, let the legislation be applicable to everyone in the employ of the United States and do not confine it to the District of Columbia.

Mr. GLASS. Mr. President, I do not think everybody teaches school children; I do not think United States Senators engage in the business of teaching school children.

Mr. ROBINSON. No; but United States Senators are engaged in the important work of legislating, and if any doctrine is going to be stifled by legislative process, why not do it directly? Why permit a man who is a Communist to occupy a seat in the Senate of the United States?

Mr. GLASS. We permit it because the State sends him here and we cannot help it.

Mr. ROBINSON. We permit it because it is un-American to exclude him even though he entertains some views to which we do not agree. I do not know of anybody here who favors communism, nor do I know of anybody in the other branch of Congress who favors it.

In answer to the suggestion of the Senator from Virginia that we cannot help it, let me add that, under the Constitution, the Senate is the sole judge of the qualifications of its Members. It can exclude a Senator for any reason it chooses.

Mr. GLASS. But it never exercises the right at times when it should.

Mr. ROBINSON. That is probably true, but the Senator's last suggestion does not support his position; it supports mine.

Mr. GLASS. My position is that we should not have enacted this legislation.

Mr. ROBINSON. I agree very heartily with that statement. Then, why not repeal it?

Mr. GLASS. My position is that there is not a sentence in the statute that justifies the narrow administration of the legislation. My only fear in the matter is—

Mr. ROBINSON rose.

Mr. GLASS. May I finish the sentence?

Mr. ROBINSON. Certainly.

Mr. GLASS. My only fear in the matter is that if we make an outright repeal of the language it will mean an invitation to the teachers to teach all the communism they may want to teach.

Mr. ROBINSON. I agree that the action of the Comptroller, in requiring all school employees in the District of Columbia to swear over and over and over that they were not teaching communism, was a foolish act and more than anything else than has ever occurred it impeaches the record of his administration.

But on the point of construction and enforcement I invite attention to the language in the House bill. It is a limitation on the use of the appropriation. The disbursing officer is apparently charged with the responsibility of passing judgment, in every case when he disburses salaries, on the question as to whether the receiver of the salary has advocated communism or treated any such doctrine with favor or support.

It is impossible of actual practical application unless some agency be set up with authority to pass judgment on the question whether, when a teacher tells a pupil what communism is, he is treating it with favor or support, as was implied in the suggestion of the Senator from Montana [Mr. WHEELER]. It makes it impossible of practical application without recognizing in some authority the power to determine whether an employee of the school has conformed with the statute. Preliminary to the payment it is necessary to decide that the limitation has been conformed to, otherwise the limitation would be wholly ineffective.

Let me say further, by courtesy of the Senator from Montana who now has the floor, that my suggestion was that the Senate bill providing for unqualified repeal be substituted for the text of the House bill in order that the whole matter might be considered by the conferees. I did not advocate the reference of the bill to the Committee on the District of Columbia for the reason that the subject has been under discussion in Washington in the press and in some of the committees almost continuously since the passage of what we know as the "red rider." There is no new information that could be produced concerning it. It is not a question that calls for prolonged study by a committee. It is doubtful whether any further reference to a committee would do anything more than intensify the controversy and give volume to something which, as said by the Senator from Virginia [Mr. GLASS], is of a nature that ought never to have arisen. My thought is that is the best way to dispose of the matter. At the same time, if the Senate desires to prolong the controversy, the best way I know to do it is to send the bill to another committee and let the same persons who have been heard heretofore again express their opinions on the subject.

Mr. WHEELER. I thank the Senator.

Mr. GLASS. I hope the Senator from Arkansas does not understand that I want the bill sent to another committee, particularly a committee of which I am a member. [Laughter.]

Mr. ROBINSON. Oh, no.

Mr. LEE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. WHEELER. I yield.

Mr. LEE. Having been a school teacher until 2 years ago, I am more than usually interested in this subject. The story of the repeal is already known, except perhaps for a little information which might be given as to the procedure in the House. An outright repeal bill was brought forward by the chairman of the House District Committee, and to that was added an amendment striking out reference to "teaching" communism, leaving it relating only to "advocating" communism, in a way making each person who voted against the amendment feel that by that very vote he was approving the advocating of communism, which, of course, was not necessarily true.

I do not favor communism, I do not favor immorality; but I do not believe we can legislate either morality or patriotism into anybody. I think we must leave this matter to the school boards and superintendents; in other words, to those who hire the school teachers.

We would not think of passing a bill prohibiting teachers from teaching crime, because we take it for granted that superintendents and school boards will not hire teachers who would teach crime or immorality. This presumption is so strong that to pass such a measure would, by implication, be almost tantamount to making the charge that teachers in general have been teaching crime. The same thing is true as applied to the teaching of communism.

There is a strong presumption that no teacher in the United States will teach or advocate communism; and for us to repeal this rider, which the Senator from Virginia [Mr. GLASS] admits should never have been passed, and which is so offensive to the teaching profession, will in no way imply that we thereby favor the teaching or advocating of communism, but will rather state to the Nation that we take it for granted that no teacher under the Stars and Stripes will be so disloyal as to advocate a political doctrine so diametrically opposed to our form of government as is communism.

The Senator from Virginia suggested that the provision deals with such a small sector of the United States that it should not be given such wide consideration, but the question has now become a national question with the educators of the United States. It is an indication of what the National Congress feels should be done throughout the United States, because this small sector of the country is the part for which we legislate. Therefore it is a question of national consequence.

I feel deeply about the matter. I feel that this provision should be repealed. I believe that the history of the teachers of the past has not been such as to warrant our feeling that they have been disloyal. The first time I ever heard of the Battles of Concord and Lexington was when I heard it from a teacher. The first time I ever heard of the midnight ride of Paul Revere I heard it at the feet of a teacher. I learned all the glowing stories of American history in the classroom. As new immigrants came from other countries to America and settled, they could not speak English, but their children went to school and at the feet of their teachers learned patriotism, and thus have the foreign-born become Americanized. I believe we can trust the teaching of patriotism to the educators of America. I, therefore, favor the repeal of this offensive "red rider."

Mr. WHEELER. I thank the Senator from Oklahoma. I do not desire to prolong the debate, but I do wish to impress the thought upon the Senate that I am in thorough accord with what the Senator from Arkansas [Mr. ROBINSON] said when he suggested that we ought to substitute the Senate bill for the House language and it ought to go to conference and there be threshed out.

I am sure no one in the Senate believes in the advocacy of communism. When I vote for some labor bill some people in the United States think I am a Communist, and when I turn around and vote with the Senator from Virginia [Mr. GLASS] on some other bill—

Mr. GLASS. Then the Senator is right! [Laughter.]

Mr. WHEELER. Then others think I am wrong again. I do not know whether I am a conservative or a radical. The Senator from Virginia thinks I am right when I vote with him, and somebody else thinks I am wrong when I vote with him.

The difficulty with the whole subject is that the term "communism" has so many meanings, just as the terms "socialism" and other "isms" have so many different meanings that it is exceedingly difficult for anyone to correctly define just what they do mean. Let some teacher advocate this or that idea and some of the young minds in their classes will go home and say to their fathers or mothers, "My teacher talked about this and that", and the parents in many cases immediately say the teacher is a Communist and ought to be thrown out of the school.

I am in hearty accord with what the Senator from Oklahoma [Mr. LEE] has said. I do not believe there has ever been in the United States a more patriotic group than our school teachers. I do not believe there is a more patriotic group of citizens anywhere in the United States than the school teachers of the District of Columbia. I think this provision of law ought to be repealed. I think it never should have been inserted in the law in the first place, and, having been put in the law, I now believe we ought to repeal it and get it off the statute books. I think it reflects not upon the school teachers but upon the Congress of the United States to keep it there.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that the Senate proceed to the consideration of House bill 148, to repeal a proviso relating to teaching or advocating communism in the public schools of the District of Columbia, and appearing in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

Mr. BLACK. I move, as an amendment, that all after the enacting clause of the bill be stricken out and that the language of Senate bill 530 be substituted therefor.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Alabama, which will be stated.

The CHIEF CLERK. It is proposed to strike out all of the text of the House bill, and in lieu thereof to insert the following:

That the proviso appearing in the fourteenth paragraph under the subheading "Miscellaneous" under the heading "Public schools" in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936, approved June 14, 1935 (49 Stat. 356), and reading as follows: "Provided, That hereafter no part of any appropriation for the public schools shall be available for the payment of the salary of any person teaching or advocating communism", is hereby repealed.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LEGAL WORK FOR RESETTLEMENT ADMINISTRATION

Mr. WHEELER. Mr. President, I send to the desk and ask to have printed in the RECORD a letter which I have received from the Attorney General of the United States in reply to a letter from me, in which I requested the Attorney General to furnish me with a list of the attorneys who are doing legal work in the various States in connection with the Resettlement Administration, and a statement of the amount of money turned over by the Resettlement Administration to the Department of Justice for the purpose of hiring attorneys.

To my amazement, I find that for the fiscal year 1937 the sum of \$500,000 was turned over by the Resettlement Administration to the Department of Justice for the purpose of hiring lawyers in the various States throughout the Union, and that this was in addition to the appropriation to the Department of Justice itself. I find that in my State about eight or nine lawyers were employed to do such legal work.

My own feeling about the matter is that instead of hiring a dozen different lawyers in the various States, the work should be done by the United States district attorney for each district and each State, and that the district attorneys should be furnished with the number of assistants they need, if they require additional assistants. The idea of setting up in each State a dozen different legal departments seems to me to be ridiculous, and it adds greatly to the expense of the legal department of the Government. I think it is wrong in principle, and it ought to be stopped.

The PRESIDENT pro tempore. Without objection, the letter referred to by the Senator from Montana will be printed in the RECORD.

The letter is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., February 10, 1937.

HON. BURTON K. WHEELER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In reply to your letter of February 4, 1937, there is enclosed herewith a list of attorneys who are doing legal work in various States in connection with the Resettlement Administration.

For the fiscal year 1937 the Resettlement Administration transferred to this Department through the Bureau of the Budget the sum of \$500,000 to cover salaries of attorneys, advertising costs, stenographic services, fees of commissioners, expert witnesses, etc. I trust this is the information you are seeking.

With kind regards, sincerely yours,

HOMER S. CUMMINGS,
Attorney General.

DEPARTMENT OF JUSTICE,
LANDS DIVISION,
February 8, 1937.

ATTORNEYS EMPLOYED ON RESETTLEMENT ADMINISTRATION LAND
ACQUISITIONS IN THE VARIOUS STATES

Alabama:	
Malcolm D. Beatty, 713 Education Building, Birmingham	\$3,000
Travis Williams, 713 Education Building, Birmingham	3,200
Virginia H. Mayfield, 713 Education Building, Birmingham	3,600
Arkansas:	
Mrs. Bessie N. Florence, 310 Arkansas National Bank Building, Hot Springs	4,000
Galbraith Gould, 514 National Building, Pine Bluff	3,200
John L. Hughes, 310 Arkansas National Bank Building, Hot Springs	2,400
Dennis K. Williams, 407 Arkansas National Bank Building, Hot Springs	3,200
Colorado:	
Morris S. Ginsberg, Symes Building, Denver	3,600
Lawrence Thulemeyer, La Junta	3,600
Connecticut:	
Clarence H. Bolton, 61 Division Street, New Haven	3,000
Samuel S. Googel, Federal Building, New Britain	3,800
Florida:	
John W. Ball, Federal Building, Jacksonville	3,200
W. Kenneth Barnes, Dade City	3,600
Maxwell Baxter, 228-241 Byron Court, Fort Lauderdale	3,600
Lucien H. Boggs, Bisbee Building, Jacksonville	3,600
E. Clay Lewis, Jr., Port St. Joe	3,200
Gardiner B. Nottingham, Fort Pierce	3,400
Weldon G. Starry, 307 Midyette-Moor Building, Tallahassee	3,200
Ernest A. Watson, Federal Building, Ocala	3,200
J. Tom Watson, Peninsular Telephone Building, Tampa	4,000
John T. Wigginton, Milton	3,000
Georgia:	
Mack Barnes, Waycross	3,200
Ernest C. Collins, Ocilla	3,600
Erwin U. Sibley, Milledgeville	5,000
Idaho:	
W. Orr Chapman, Twin Falls	3,000
Illinois:	
Hosea V. Ferrill, Marion	3,600
George R. Schwarz, Jerseyville	3,600
Indiana:	
George T. Tindall, Greenfield	3,000
Ewing E. Wright, Osgood	3,000
Kansas:	
Eugene W. Davis, Liberal	3,200
Robert L. Helvering, Marysville	2,900
Kentucky:	
Beckham A. Robertson, Owensboro	3,600
Louisiana:	
Joseph V. Ferguson, 2d, care of United States attorney, New Orleans	3,200

ATTORNEYS EMPLOYED ON RESETTLEMENT ADMINISTRATION LAND ACQUISITIONS IN THE VARIOUS STATES—continued	
Louisiana—Continued.	
Leon Sarpy, care of United States attorney, New Orleans	\$3,000
Norton L. Wisdom, care of United States attorney, New Orleans	3,000
Maine:	
Miles L. Allen, Pittsfield	1,800
Harold V. Jewett, Calais	3,200
Maryland:	
E. Stuart Bushong, Hagerstown	2,500
William G. Gassaway, 543 Calvert Building, Baltimore	3,200
Charles E. Hearne, Jr., Salisbury	1,800
Charles C. Marbury, Upper Marlboro	3,000
Michigan:	
Harry K. Bay, Ironwood	3,200
Julius L. Kabatsky, 1101 Penobscot Building, Detroit	3,200
Walter A. Kirkby, 209-212 Peoples National Building, Jackson	3,600
Charles H. Miltner, Cadillac	2,000
Minnesota:	
Arba J. Powers, Mahanomen	2,400
Herbert D. Shove, Detroit Lakes	1,800
Frank H. Timm, Spooner Bank Building, Baudette	3,600
Mississippi:	
L. Barrett Jones, 613 Lamar Building, Jackson	4,000
Missouri:	
Hamp Rothwell, 935 New Federal Building, St. Louis	3,800
Richie Gibbons, 935 New Federal Building, St. Louis	2,400
Ralph Wammack, Bloomfield	3,200
Montana:	
Thomas W. Bonner, Havre	2,600
Grover C. Cisel, Billings	3,600
Clifford W. Gribble, Malta	2,200
Merle C. Groene, Lewistown	3,600
Harry K. Jones, Butte	3,000
Alf. C. Kremer, Butte	5,500
Arthur F. Lamey, Havre	3,600
Lester H. Loble, 104-106 Securities Building, Helena	5,500
Chester E. Onstad, 104-106 Securities Building, Helena	3,000
New Mexico:	
Henry A. Kiker, Santa Fe	3,600
Stanley W. P. Miller, Santa Fe	1,800
New York:	
Harry T. Dolan, 702 Marine Midland Building, Binghamton	3,600
Nebraska:	
Edwin D. Crites, Chadron	3,000
Lynn E. Heth, Valentine	3,200
North Carolina:	
Nere E. Day, Jacksonville	4,200
J. Allan Dunn, New Law Building, Salisbury	3,200
Clyde E. Gooch, New Law Building, Salisbury	3,800
Barron K. Grier, New Law Building, Salisbury	2,800
North Dakota:	
Otto Haakenstad, O'Neil Building, Fargo	4,000
Halvor L. Halvorson, Minot	3,200
Albert M. Limburg, Jr., O'Neil Building, Fargo	2,600
John Moses, Hazen	3,800
Roy K. Redetzke, O'Neil Building, Fargo	3,200
Walter R. Spaulding, Hazen	3,400
Ohio:	
A. Julius Freiberg, 211 East Fourth St., Cincinnati	4,200
Ronald D. Miller, Zanesville	3,200
Oklahoma:	
Elmer H. Beauchamp, Grove	3,000
Edward C. Fitzgerald, Miami	3,000
Willet M. Haight, Shawnee	3,000
Oregon:	
Lotus L. Langley, Board of Trade Building, Portland	3,200
Bernard H. Ramsey, Madras	3,200
Pennsylvania:	
Daniel J. Boyle, Tamaqua	3,200
South Carolina:	
Yancey A. McLeod, 412 Central Union Building, Columbia	3,000
Chepard K. Nash, Sumter	3,000
South Dakota:	
Frank M. Brady, Chamberlain	2,700
Florence E. Brown, Chamberlain	2,000
Matthew A. Brown, Chamberlain	4,200
Charles S. Eastman, Hot Springs	3,000
Hubbard F. Fellows, Rapid City	4,200
Tennessee:	
Taylor Beare, 131 Elks Building, Jackson	2,600
James G. McKenzie, Dayton	4,000
W. Earl Swann, Springfield	2,600
Texas:	
James J. Collins, Jefferson	2,400
Angus G. Shaw, Jefferson	3,800
Utah:	
Knox Patterson, 630 Judge Building, Salt Lake City	6,000
Washington:	
Albert I. Kulzer, Chewelah	3,000

ATTORNEYS EMPLOYED ON RESETTLEMENT ADMINISTRATION LAND
ACQUISITIONS IN THE VARIOUS STATES—continued

Wisconsin:	
Harry J. Allen, 529 Wells Building, Milwaukee.....	\$3,000
Byron B. Conway, Wisconsin Rapids.....	3,000
Vincent P. Davis, Hayward.....	3,000
William H. Frawley, Eau Claire.....	3,000
Wyoming:	
Dwight E. Hollister, Cody.....	3,000
John J. McIntyre, Douglas.....	3,200

Mr. KING. Mr. President, apropos of the statement just made by the Senator from Montana [Mr. WHEELER], I will state that a day or two ago I submitted a resolution asking for a thorough investigation of the activities and expenditures of the Resettlement Administration. When I was in my home State recently I made some investigations of the matter, as I have done in other States; and I now make the charge that the expenditures of that organization have been extravagant and in many instances wasteful.

I shall not ask that action be taken at present upon the resolution which I have submitted for the reason that I have had a conference with officials in the Agriculture Department who now are taking over the activities of the Resettlement Administration, and I have assurances that an investigation will be made, and it is hoped that some economies will be introduced into the Resettlement Administration. Unless within a reasonable time we receive a report to the effect that that has been done, I shall ask for the investigation which my resolution seeks.

Mr. ROBINSON. Mr. President, in that connection, if the Senator will indulge me, I am advised that the Secretary of Agriculture, who recently acquired jurisdiction of the Resettlement Administration, is making a very thorough study of the matter, recognizing that part of the work which has been done has been experimental and that there is opportunity and need for improvement. I think the Senator has wisely deferred urging action upon his resolution.

Mr. WHEELER. There is a United States district attorney in each district in the United States. In my State the district attorney is paid, I think, about \$5,000 a year. There are special attorneys who are receiving \$5,500 a year to do this other kind of work in two or three different places, and others who are receiving three or four thousand dollars a year. All that work ought to be done by the district attorney in the particular district, and, if necessary, he should have additional assistants under his department; but a lawyer should not be paid three or four or five thousand dollars a year for part-time work, or for a third of his time, or for a fourth of his time, when we have district attorneys who are supposed to devote practically all their time to their official duties.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. CLARK. I will say to the Senator, from my own knowledge, so far as my State is concerned, that no lawyer has been paid by the Department of Justice for part-time duty for doing work for the Resettlement Administration. I happen to know one lawyer who has been employed outside of the district attorney's office, I understand, but who devotes his whole time to his official duties, dividing his time between the work of the Resettlement Administration, the work of the Forestry Service in acquiring titles to new forests which have been opened up, and various other governmental activities. It is entirely true that he is outside of the district attorney's office, but it is not by any means true that he is on part-time employment.

I do not believe any money has been wasted by the Department of Justice in its employment of lawyers for the various extraordinary activities which have been going on for the past 2 or 3 years.

Mr. WHEELER. I happen to know that some of the lawyers who are employed in the way I have stated carry on a very extensive and very fine practice, and at the same time draw very good salaries from the Government.

Mr. ROBINSON. Mr. President, will the Senator yield to me?

Mr. WHEELER. Certainly.

Mr. ROBINSON. It is my impression that the Department of Justice is one of the most carefully and economically administered branches of the Government. Its comparatively small appropriations indicate that fact. Of course, it is true that the Department, under recent legislation, and I think in response to public demand, has undertaken much work in which formerly it did not engage. The salaries to which the Senator from Montana is referring, if I correctly understand him, are those of employees in various special agencies who are paid by the Department of Justice or through the Department of Justice. Is that correct?

Mr. WHEELER. What happens is this: We appropriate money for the Resettlement Administration. Five hundred thousand dollars of the money that is appropriated for the Resettlement Administration is turned over to the Department of Justice. With that \$500,000 the Department of Justice employs lawyers all over the United States to pass upon titles; and many of the lawyers who are thus employed are not whole-time lawyers for the Government. They are lawyers who are also engaged in the general practice of the law. I happen to know that that is the case.

Mr. BLACK. Mr. President, the Senator from Montana has made reference to attorneys employed by the Department of Justice to aid the Resettlement Administration and other agencies in connection with the purchase of land. I cannot speak for other States as to the method of employment; but in the case of the State of Alabama I can say that in quite a number of instances to my own certain, definite knowledge the Department of Justice has declined to employ lawyers upon a part-time basis. The Department was denied the privilege of employing lawyers whom it desired to employ in Alabama because they declined to give up their private practice. As a result the Department employed other lawyers, requiring that they work on a full-time basis. These lawyers did not retain their private law practice, and they were not permitted to do so if they kept the positions with the Department of Justice.

In fairness to the Department I desire to have that statement appear in the Record in connection with the employment of lawyers, certainly in the State of Alabama.

Mr. WHEELER. I am glad to hear the Senator's statement about Alabama; but it certainly is not true as to many other States, to my own certain knowledge.

While I am on the subject I will say that my attention has also been called to a situation which I think ought to be corrected. I am reliably informed that some of the men who have been in the Department of Justice resign as assistant attorneys general, and are then appointed as special assistants to take charge of some particular case at eight or ten thousand dollars a year; and they still practice before some of the Departments here in Washington, notwithstanding the fact that they have special retainers from the Government of the United States. I think that is something that ought to be stopped.

REORGANIZATION OF FEDERAL JUDICIARY

Mr. McKELLAR. Mr. President, I desire to take a portion of the time of the Senate this afternoon in discussing the President's proposal regarding the Supreme Court.

Mr. Woodward, in his History of the United States, in discussing the Constitution, on page 234 said:

Though the Constitution is clumsily rigid in some of its provisions, on the whole it possesses a remarkable flexibility.

It is characterized by subtle omissions or silences, which allow great latitude in the judicial interpretation of constitutional questions.

I endorse this opinion of Mr. Woodward, and take it as my text.

The flexibility of the Constitution, the omissions or silences of the Constitution which allow such great latitude in judicial interpretation, have always been, to my mind, one of the wonders of our Constitution. In my judgment, the Constitution, as it is today, affords ample power to the

Congress, if properly interpreted and the bills are properly prepared, to pass all the forward-looking measures of the New Deal. We need no constitutional amendments.

It must be remembered that in 1787, when the Constitution was created, there were no steamboats or steamship lines, no railroads, no hard roads, no telegraphs or telephones, no streetcars, no gas companies, no electric lights, no electric power, no automobiles, no radios, no moving pictures, no newspapers of any great circulation, no airplanes, no public schools, as we now understand that term, exceedingly few colleges and other institutions of learning, practically very few corporations, few if any injunctions, few if any combinations of labor, few if any combinations of capital, no Federal courts at all, the State courts applying the law as State judges had received it from our British forefathers. Though all these things have come since, under our Constitution they can all be dealt with under the flexibility of that great instrument.

Our Government, under our Constitution, is a government of checks and balances. It was the purpose of the founders of that Government to establish three coordinate branches, the executive, the legislative, and the judicial. While they were constituted with the largest measure of independence, the greatest care was taken to make them coordinate and cooperative. The most carefully devised checks were made on the Executive power. The same care was exercised in checking the legislative and judicial branches.

For instance, the Executive was given the right of veto, but his veto could be overruled by a two-thirds vote. He was given the power of administering the Government, but only Congress could furnish him the money with which to do it. He was given the power to raise and support armies, but money to pay and equip armies could not be given for a longer period than 2 years. No money could be drawn from the Treasury except in accordance with appropriations made by Congress.

The Executive was given the power to appoint all officers of the Government, but only by and with the advice and consent of the Senate. He was to be elected for only a 4-years' term. He could be impeached by the House and removed from office by the Senate. He could make treaties with foreign governments, but the Senate must confirm these treaties to make them valid. He was to be Commander in Chief of the Army and Navy, but the Congress had the right to make rules and regulations for the land and naval forces.

In like manner, the legislative branch was hedged around with checks. It was given the power to pass laws, but the Executive could veto them. It was given the power to tax, but all taxes had to be uniform. The Congress was denied the right of suspending the writ of habeas corpus except in extreme cases. It could pass no bill of attainder or ex post facto law. It could pass no law fixing export duties. It could not interfere with the right of the people to bear arms. It could not permit a soldier in time of peace to be quartered in any home. It could make no law establishing religion, or abridging the freedom of speech or of the press, or the right of the people to assemble and ask for a redress of grievances. It could make no law to prevent the people from being secure in their persons, houses, papers, and effects against unreasonable searches. It prohibited the Congress passing a law permitting men to be held for a capital or otherwise infamous crime except by an indictment by a grand jury. It prohibited Congress passing a law putting a man twice in jeopardy, or compelling a criminal to be a witness against himself, or a law depriving a citizen of his rightful liberty or property without due process of law, nor permitting private property to be taken for public use without just compensation. It provided for an impartial jury trial, both in criminal and civil cases. Incidentally, the Supreme Court has virtually abolished trial by jury.

In addition to those I have enumerated, there are many other checks to be found in the Constitution.

In like manner, the judicial branch of the Government was hedged about with checks. The members of the Supreme Court were to hold their offices during good behavior. They were subject to impeachment. They were to be appointed by the President, by and with the advice and consent of the Senate. The number of the members of the Supreme Court was to be fixed by the Congress. Their jurisdiction was remarkably limited. Their original jurisdiction was confined to cases affecting ambassadors and other public ministers and consuls, and those in which a State was a party. Their appellate jurisdiction was likewise limited to admiralty and maritime jurisdiction, to controversies between a State and a citizen of another State, between citizens of different States, and to all cases in law and equity arising under the Constitution, laws, and treaties. They had no express jurisdiction to declare acts of Congress unconstitutional or invalid. The Supreme Court was to have appellate jurisdiction both as to law and facts "with such exceptions, and under such regulations as the Congress shall make." The Supreme Court could not fix the number of its members, but Congress had that right, and has exercised it exactly seven times.

By the Constitution, no branch of the Government was given exclusive power or supreme power or independent power. Each was made, in a very great degree, dependent upon the other. Those in control of each branch of the Government know perfectly of the limitations on that particular branch, and also know perfectly well of the limitations and powers of the other two branches.

I desire to call special attention to this statement: That supreme sovereign power was to be lodged in the Supreme Court cannot possibly be maintained by reference to the Constitution itself, by any implication of the Constitution, by any law, by history, or by precedent. With the express power that the Congress should regulate the appellate jurisdiction of the Supreme Court, both as to law and as to facts, it is unquestionably true that the Congress, and not the Supreme Court, was to be the final arbiter. Those who assert that the Supreme Court is superior to either the Congress or to the Executive under our system little understand our great Constitution.

Mr. GEORGE. Mr. President—

The PRESIDING OFFICER (Mr. POPE in the chair). Does the Senator from Tennessee yield to the Senator from Georgia?

Mr. McKELLAR. I yield to the Senator.

Mr. GEORGE. I desire to ask the Senator from Tennessee, for whom I have the utmost respect, what he considers the function of the judicial department, a coordinate department of our Government.

Mr. McKELLAR. To do just exactly what the Constitution provides it shall do, no more and no less; that is, have appellate jurisdiction over all acts of Congress which may be brought into dispute, and all other Federal questions, as they are commonly called. Of course the Court has an extremely limited original jurisdiction, but this is unimportant.

Mr. GEORGE. If they are to have jurisdiction over all acts of Congress and other Federal questions which may arise, what are they to do; decide the law or not?

Mr. McKELLAR. Of course they are required to decide the law.

Mr. GEORGE. Let me ask the Senator another question. What is the supreme law of our country?

Mr. McKELLAR. The supreme law of our country is what Congress and the President make it.

Mr. GEORGE. Mr. President, I hope the Senator will not rest his answer on that statement.

Mr. McKELLAR. I rest it on the Constitution. The Constitution itself says that the acts of Congress shall be the supreme law of the land.

Mr. GEORGE. Oh, no, Mr. President!

Mr. McKELLAR. I read it in that way.

Mr. GEORGE. Oh, no!

Mr. McKELLAR. I should like to have the Senator show me where the Constitution provides otherwise.

Mr. GEORGE. The Constitution expressly declares that the Constitution is the supreme law, and acts of Congress "made in pursuance thereof." I ask the Senator again: What is the function of the Supreme Court?

Mr. McKELLAR. The function of the Supreme Court is to pass upon all questions upon which the Constitution gives the Congress the right to legislate. That is its function.

Mr. GEORGE. And nothing else?

Mr. McKELLAR. And nothing else. I challenge the Senator to show me a line in the Constitution which holds that the Supreme Court has the right to declare void an act of Congress.

Mr. GEORGE. Mr. President, I do not desire to argue with the Senator.

Mr. McKELLAR. I just ask the Senator to show me such a provision.

Mr. GEORGE. I asked the Senator the simple question: What is the function of the judiciary under our system of government? Finally, the Senator has said that it is to construe the law. Then I asked the Senator: What is the supreme law? The Senator said it was the acts of Congress and what the President chooses to make it.

Mr. McKELLAR. The acts of Congress are the supreme law of the United States.

Mr. GEORGE. The acts of Congress?

Mr. McKELLAR. The acts of Congress made under the Constitution are the supreme law of the land.

Mr. GEORGE. Acts made in pursuance of the Constitution, and not contrary to it. If that statement is made, I will agree with the Senator.

Mr. McKELLAR. Then, Mr. President, there is no disagreement between us.

Mr. GEORGE. Then, I ask again, The function of the Court is to construe what?

Mr. McKELLAR. To construe the meanings of the acts of Congress. I have already said, as the Senator would have heard had he been listening, that early in our constitutional history our Supreme Court assumed the power to declare void and invalid acts of Congress. It did not have the specific right to do it under the Constitution. There was no provision under the Constitution which authorized the Court to do it, but the Court assumed such power. That practice has been going on for 134 years and, in my judgment, it is imbedded in our Constitution just as if we had passed an amendment to the Constitution in the ordinary way making such provision. The Congress did not initiate such an amendment to the Constitution. The Supreme Court of the United States simply amended the Constitution by judicial dictum first and then decision.

Mr. GEORGE. Mr. President, I do not wish to argue the question with the Senator from Tennessee. At a later date I shall argue it not only with the Senator from Tennessee but with any other Senator on the floor. I was simply asking a question.

Mr. McKELLAR. The Senator from Georgia has the right to any opinion he desires about the Constitution or the laws of the United States. I assert my right to my own opinion in the same way. If the Senator would do me the courtesy to listen to what I have to say, I think he would differ with me less than he does now.

Mr. HATCH. Mr. President, before the Senator from Tennessee continues with his statement, I wish to ask him a question. I was somewhat confused by the remarks which passed back and forth between the Senator from Tennessee and the Senator from Georgia. However, as I understood the Senator from Tennessee, his position now is that the Supreme Court does have the right to declare acts of Congress unconstitutional.

Mr. McKELLAR. Only by reason of long lapse of time and usage. I think the people have accepted the Supreme Court's assumption of power. I think the Supreme Court has the power to declare acts unconstitutional and invalid by reason of this long assumption of power on the part of the Court, and not by reason of any word or sentence or provision of the Constitution of the United States.

Mr. HATCH. Regardless of how the power came about, the Senator agrees that the power now rests in the Supreme Court?

Mr. McKELLAR. I agree that it now is exercised and has been exercised for a great number of years by the Supreme Court, and that apparently the people have acquiesced in the assumption by the Court that it has that power. But I continue. Mr. President, the Supreme Court early assumed the power to declare acts of Congress unconstitutional. The Constitution itself did not give that power to the Supreme Court specifically. In my judgment, it ought to have done so.

I am saying this for the benefit of the Senator from New Mexico. If it had done so, and had hedged the power about with proper checks and balances, it would have been far better. In my opinion, by reason of the Court's having assumed for 134 years the power to declare acts of Congress void it has that power; and that assumption of power having been acquiesced in for so long, the Court's amendment to the Constitution has been effected just as securely as if an amendment to the Constitution had been agreed to by the people in the way pointed out by the Constitution. What the Court did was to amend the Constitution by their own judicial decision. The right exercised by the Court of declaring an act of Congress unconstitutional is a judicial amendment to our Constitution. That is the best that can be said of it.

I hope I make myself clear to the Senator.

Mr. HATCH. Yes, Mr. President.

Mr. McKELLAR. However, when the Supreme Court exercises this power it has full knowledge that the Congress and Executive have power to fix the membership of the Court, and that the Congress and the Executive a number of times have exercised that power. They first fixed the number in 1789 at six. It was reduced to five in 1801. It was increased to seven in 1807. It was increased to nine in 1837. It was increased to 10 in 1863. It was reduced to seven in 1866. It was increased to nine in 1869. The Supreme Court knows perfectly well that the Congress and the Executive have the power by law to change the number on the Supreme Bench. It is a power which the Constitution grants. It is a power that these two branches of the Government have and have frequently exercised. Therefore, an increase of the members of the Court cannot be either unconstitutional or revolutionary.

In some letters I am asked not to interfere with the Constitution. This proposal to increase the number of Judges is standing by the Constitution. It is within the terms of the Constitution to increase the membership of the Court. It is not a violation of the Constitution. It is a measure strictly in accord with the Constitution.

After the Civil War, conditions between the Court and the Government were in a sense like they were at the beginning of this administration. In an editorial in the Nation of January 10, 1867, the following appears:

All the issues of the war and of the era of reconstruction succeeding the war will be submitted to the judgment of this Court; and a strenuous effort will be made to secure from it decisions which will nullify the will of the people and vindicate the rejected policy of Mr. Johnson.

And again:

The Supreme Court consists at present of nine Judges, five of them appointed by a Republican President and four by his Democratic predecessors. Unfortunately, it cannot be doubted that at least four of the Judges have so thoroughly made up their minds upon all the issues of reconstruction as to make argument before them a mere form. Chief Justice Chase could not be persuaded by Moses and the prophets that the present State governments in the South are legitimate, while Judges Nelson, Grier, and Clifford could not be persuaded of the contrary, even by one who should rise from the dead.

This is not the first time this question has raised its head in our country.

I again quote from the same editorial:

The Supreme Court always prior to 1867 was wisely anxious to leave political questions to be determined by the legislature, and repeatedly declined to interfere in cases which afforded quite as

much ground for interference as any which are now likely to arise. The Judges foresaw that any attempt to control such controversy by judicial decisions would only peril the existence of the Court while settling nothing for the country, and they rightly decided to avoid such uncompensated risks.

DIRECT PRECEDENT

There is a direct precedent for the President's proposal. In 1869 the Congress increased the number on the Supreme Court just before the Court held the Legal Tender Act of Congress unconstitutional and void by a closely divided court. At that time there was no gold nor silver in the country to be coined, and the Constitution only gave to Congress power to coin money. The issuance of paper was not coining money, of course. Paper money was an absolute necessity at the time. The Congress in 1862 had established paper money as currency and made it receivable for all debts, public and private, except two. The Supreme Court held the act unconstitutional. The decision of the Supreme Court was rendered on the 7th day of February 1870, and on the same morning President Grant sent in the nominations of two additional members of the Court, Justices Strong and Bradley. He was charged with packing the Court. Those two members became violent partisans of upholding the legal-tender clause, as it was called at that time. President Grant was charged with packing the Court, just as President Roosevelt is now being charged with the same design.

The reorganized Court with Justices Strong and Bradley on it, reversed the former judgment of the Court, and held the act constitutional on the ground that it was an emergency act. The country acquiesced in it and has acquiesced in it ever since. We still issue paper money, good for all debts, public and private. I doubt that there is an informed judge, a lawyer, or citizen who does not believe that what the Congress and President and Court then did was for the best interest of this Republic. It has never been undone, and never will be. It is quite true that the President was charged with packing the Supreme Court, but the effect at that time was salutary.

Mr. MINTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Indiana?

Mr. McKELLAR. I yield.

Mr. MINTON. The Senator will recall that at about that same period the Congress of the United States, finding the Supreme Court at that time composed of 10 members, the largest it has ever been and that was under Lincoln—after Lincoln's death, in order to prevent Andrew Johnson from having an appointment on the Court, which was ageing very rapidly, changed the law, reducing the Court to 7, so that Johnson could not have an appointee on the Court. Then, just as soon as Grant came in, they changed it back to nine, so that Grant could have an appointment on the Court.

Mr. McKELLAR. The Senator is absolutely correct; and I digress here long enough to point out, as I intend to show later on in my address, the remarkable situation that there have been only four Presidents who have never made an appointment to the Supreme Court. One of them was William Henry Harrison, who lived for a little more than 30 days or about 30 days after he was inaugurated; he did not appoint a Supreme Court judge. The second one was Zachary Taylor, who lived 1 year and 4 months after his inauguration, and did not have an appointment to the Supreme Court. The third was Andrew Johnson, who, by the law that has just been mentioned by the Senator from Indiana [Mr. MINTON], was deprived of the opportunity of appointing any judge on that Court. And the fourth is Franklin Roosevelt. The Presidents who have made no appointments to the Supreme Court are Harrison, Taylor, Johnson, and Franklin Roosevelt! And then talk about Roosevelt's attempting to pack the Supreme Court! Up to this date it has been quite securely packed against him!

Mr. President, I proceed with the discussion.

COURTS

Now, as to the main question. Mr. President, I believe in courts. I am a strong believer in courts. I believe in the

Federal courts. I believe in the honesty and sincerity and uprightness and ability of its judges. I think in the main they have done their duty as they see it. On the other hand, I do not believe they are infallible. I think our Supreme Court—perhaps the greatest court in all the world, and I cheerfully concede it and am proud of it—has made a number of mistakes. Chief Justice Marshall is generally accredited with having issued the first dictum holding an act of Congress invalid. This dictum appears in the case of *Marbury* against Madison, decided in 1803. However, there was an earlier informal opinion by Chief Justice Jay. February 3, 1791, the Congress had passed a law directing the President to examine and report upon and the Treasurer to pay the claims of invalid pensioners of the Revolution. President Washington asked the Supreme Court, it having nothing to do in the early days, to pass upon these claims and make a report to him but the Court refused to do this work. Mr. William E. Curtis, in the *Chautauqua* of July 1897, says:

This action of Congress undoubtedly arose from the knowledge that the Court had existed for a year without any business to transact, and the popular opinion that the Justices ought to do something to earn their salaries rather than any intention of subverting their power and authority or infringing upon their constitutional prerogatives. But the Court refused to comply with this law on the ground, first that Congress could not assign it duties not defined in the Constitution, second that the Constitution did not authorize the national legislature to sit as a court of errors, and third that the jurisdiction of the Supreme Court was final. This was the official reply, but in a private communication the Chief Justice states that as the object of the act was benevolent and did honor to the justice and humanity of Congress, the members of the Court were willing to sit as commissioners to examine and report upon pension claims; and they did so although Justice Wilson persistently refused to serve."

So that the honor of intimating the first act of Congress unconstitutional belongs to Chief Justice Jay and Justice James Wilson, of Pennsylvania. The Court has come a long way since that day, in the words of Jefferson, "ever active, with noiseless feet gaining little by little."

In the *Dred Scott* case, the Supreme Court held the Missouri Compromise Act of 1820 unconstitutional when the Congress had already repealed it 2 years previously. The decision holding unconstitutional that act which had been accepted and lived up to by the country for some 35 years, was wholly unnecessary, and many believe to this day that it was one of the influences that precipitated the Civil War.

INCOME-TAX DECISIONS

Mr. President, the decisions in the income-tax cases decided by the Supreme Court in the nineties were a huge mistake, a mistake which this country had to correct, but it took 20 years to correct the mistake.

It will be recalled that when the Congress again undertook to tax incomes and the case challenging the right of Congress to pass such a law came before the Supreme Court, Justice Shiras, of Pennsylvania, was on the Court at the time, and so was Justice Howell E. Jackson, of Tennessee. Justice Jackson had been ill and it was supposed that Justice Shiras was in favor of upholding the tax, and the Court was divided four to four without Justice Jackson. Before the case was decided, Justice Jackson became well enough to take part in the decision. He appeared and voted in favor of the validity of the tax; but it was claimed at the time in the newspapers that overnight Justice Shiras changed his opinion and voted against the validity of the tax, the act by Shiras' vote was held unconstitutional, and it took some 20 years to go through the constitutional procedure to invalidate that holding and to give Congress the power to tax incomes. It ruined the reputation and life of Justice Shiras, and deservedly so, and was a stigma on the Court itself.

Mr. President, this is not all. The constitutionality of such income-tax cases having been decided, one by a divided court, one by a 5-to-4 decision. The income-tax laws were all declared unconstitutional until we "immoral" Representatives and Senators, as some of us are now called, finally had to propose on amendment to the Constitution, which was ratified, giving power to Congress to tax incomes.

The attempts to tax incomes went along some 50 years before the right to tax was finally established. During most of these years we were constantly met with preliminary injunctions against such taxes, issued by district judges, the creatures of the Congress. These judges thought it was improper to tax high incomes, just as they thought it was immoral to prevent greed from exploiting the labor of little children; but the Congress did not think so, and I do not think so, Mr. President. I take great satisfaction in the record I have made in voting for and upholding every effort made to tax incomes in this country, and I want to say that when it comes to a question of morality, I would a thousand times rather be placed on the side of the little children of the country, on the side of the honest taxpayers of the country, rather than on the side of greed, monopoly, and great wealth, constantly fighting to escape just taxation.

And thus we see, Mr. President, that through nearly a half century efforts were made to impose a reasonable income tax on persons of large means, and, our Supreme Court declaring such acts unconstitutional, it took Congress nearly a half century to have these fair and just taxes imposed upon people who had the money with which to pay them, and then only after resort to the tedious and long process of having adopted an amendment to the Constitution.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BLACK. The Senator will recall that it was constitutional to have an income tax for about 60 years and then it became unconstitutional to have it for about 25 years and then again it came to be constitutional.

Mr. McKELLAR. Oh, yes.

Mr. BLACK. So that it was constitutional when the Supreme Court said it was and it was unconstitutional when the Supreme Court said it was not.

Mr. McKELLAR. I agree with the Senator, but it might be stated in just a little different way. When the proponents of constitutionality had five Judges out of the nine it was constitutional, and when the advocates of its unconstitutionality had five Judges out of the nine it was unconstitutional. In other words, it was just a question as to which side had the five Judges or a majority of the Court.

Mr. BLACK. In other words, the Constitution changed as the Judges changed.

Mr. McKELLAR. Whenever a new President came into office and additional Judges were appointed to the bench, the Constitution at once was modified and changed. The only way we were able finally to put an income-tax law into effect was to provide by constitutional amendment, which no one could doubt, and we finally did it after a long fight of over half a century.

Mr. BLACK. The Senator will recall what I want to get clearly in the RECORD, to wit, that before the first opinion holding it was unconstitutional to have an income tax, it had been constitutional in this Nation for over 50 years. The Constitution itself had not changed. The writing was the same. The same charter was in the Library of Congress, and it was perfectly constitutional to have an income tax. Then along came five Judges who decided it was unconstitutional, and for 25 years, though the Constitution was still the same in the Library of Congress, it was a violation of the Constitution to collect an income tax. It is clear that the Constitution changes as the Judges change.

Mr. McKELLAR. The Senator is correct.

N. R. A.

Mr. President, coming down to more recent dates, I think everybody concedes that the N. I. R. A. decision was a correct decision handed down by a united Court. It had the respect, if not the approval, of the country. If the N. R. A. bill had been drawn by the Senator and Congressman who introduced it, aided by the drafting boards of the two Houses, no doubt a bill would have been drawn that would have been entirely constitutional, and this probably would have been true of the first Guffey coal bill.

If bills of this character are to be brought into the Senate they ought to be passed upon by the lawyers of the Judiciary Committees and by the drafting boards in the first instance, and presented in that way.

PRIVATE LITIGATION

I think also the Supreme Court has the confidence and the approval of the people in its decisions generally in regard to litigation between private citizens where the invalidity of acts of Congress is not involved. On the other hand, in its decisions in passing on constitutional questions it does not now have and has never had the full confidence of the country, and now perhaps has less than it ever had. Its decrees on such questions have been quite generally in favor of powerful and entrenched interests of the country and against the masses of the people.

I now come to several classes who have not fared well at the hands of the Supreme Court. I first take up the farmers.

FARMERS

The Agricultural Adjustment Act decision was a blunder, and so were the most of the other decisions declaring acts of Congress void frequently decided by a 5-to-4 majority of the Court. The Court solemnly held that the regulation of the production of agricultural products was in violation of the Federal Constitution. The great body of these products go in interstate commerce. The production of agricultural products constitutes in reality and in truth the lifeblood of the Nation. Agriculture is the ground work of the material welfare of every person in our country. The Nation could not pay its debts without it. It could not provide for the common defense without it. It could not provide for the general welfare without it. It could not very well regulate foreign commerce without it. There would be virtually no necessity of regulating commerce among the several States but for agriculture.

The Nation could not raise and support armies without agriculture. It could not provide and maintain a navy without agriculture. It could not provide for organizing, arming, and disciplining the militia without it, and finally it could not make all laws which shall be necessary and proper for carrying into execution the foregoing powers without the power to regulate agriculture and to aid it, and to regulate those who are engaged in it. Under the great latitude allowed by our Constitution, the Congress has the right to legislate on agriculture.

The A. A. A. Act placed a tax on the processing of agricultural products, provided for voluntary agreements with producers for the reduction of acreage and for rental benefits, and the revenue from these payments was appropriated for the benefit of our farmers.

The one provision of the Constitution which made our National Government effective are the words:

Congress shall have power to levy and collect taxes.

It is an unlimited power, without which the Government could not exist. It has been so held by our Supreme Court on innumerable occasions, and yet in annulling this act, which our Court apparently wanted to annul, the Court had to resort to the fallacy that this was not a tax at all within the meaning of the Constitution.

The Court then held that while the Congress had virtually an unlimited right to appropriate money under the general-welfare clause, yet the proposed appropriation of the money was a part of the scheme that was invalid, and therefore the act itself was invalid. Further, without any evidence to support the proposal at all, the Court held that the voluntary agreements made between the Secretary of Agriculture and farmers were involuntary, and were, therefore, invalid. In all the books a more biased or a more groundless decision could hardly be found.

In declaring the Agricultural Adjustment Act unconstitutional I believe the Supreme Court made its greatest blunder. The opinion itself was the Court's weakest production. Fortunately, the act had been in effect some 2 years before the Supreme Court passed on it; otherwise we might not be en-

joying the great prosperity that is ours today. In my judgment the administration of that act while it was in force did more to do away with the depression than all other things combined. It restored the prices of farm products and made the farmers prosperous for the first time in many years. The decision of the Court was a body blow to the farmers of our country. In my judgment it was not a proper construction of the Constitution.

The three dissenting Justices in the A. A. A. case, in my judgment, were nearer right than the majority. All honor to Justices Stone, Brandeis, and Cardozo.

DIVIDED OPINIONS

These 5-to-4 and 3-to-6 decisions of the Supreme Court are most regrettable. They convince nobody and they have the approval of no one when they are brought in question. The Supreme Court itself ought to find some plan of abolishing such decisions. I doubt very much whether the Congress, though it has power to make such rules and regulations as it may deem necessary as to appellate jurisdiction of the Supreme Court, can make a rule that would justly operate in all cases.

How can the ordinary American citizen know what the law is? The Agricultural Adjustment Act, an act which does more for agriculture than any other act passed by Congress, was brought before the Court, and by a decision of 6 to 3 of the nine most learned Judges in the world the act was declared invalid, six of them saying it was bad and three of them saying it was good. How can the wayfaring citizen of America know what the law is under such circumstances? How much greater is his trouble if he knows that some future change in the Court would change the Constitution at once? How can any lawyer know what the Constitution means under such opinions?

When the Court divides 5 to 4 it is inconceivable that both majority and minority can be right. If nine of the most learned judges in all the world divide 5 to 4, or even 3 to 6, on any law, how can any other American citizen know what the law really is?

These 5-to-4 decisions are more hurtful to the prestige of the Court than anything any outsider might do or say. They lead many people to say that the decisions are arrived at in pride of opinion or in anger or in ill will or in resentment. Knowing the members of the Supreme Court as I know them, I am sure this is not so; but it seems to me that the members of the Court should find some way to do away with the majority opinions known as 5-to-4 decisions. They owe it to themselves to do so. In the end it will destroy the usefulness of the Court if continued.

LABOR

I have spoken of farmers. I now come to labor.

The Congress, by act of June 27, 1934, passed a railroad retirement measure. Here was an act to retire aged employees. The United States Government, by act of Congress, had already long since put in force a retirement act for its own aged employees. It had worked well; but as soon as the Railroad Retirement Act was passed the railroads brought suit to enjoin its enforcement, and a district judge promptly granted an injunction. The matter was taken to the Supreme Court, the Supreme Court held the law unconstitutional, and thus the aged employees of the railroads were deprived of the just benefits of a badly needed act. The great latitude of the Constitution was ample to justify upholding such an act; but the Court, by a 5-to-4 decision, declared the act unconstitutional and void. Again I say, all honor to Chief Justice Hughes and Justices Brandeis, Stone, and Cardozo for dissenting! Who can say what was the real interpretation of the Constitution with five of the greatest judges in the world voting one way and four voting the other way? For my part, I believe again that the minority members of the Court were right.

Again, by the act of August 30, 1935, known as the Guffey Coal Act, the rights of those who labor in the coal mines were again sought to be protected; and again by a decision of 5 to 4 the act was nullified. Chief Justice Hughes, Justices Cardozo, Brandeis, and Stone dissented.

Again, but recently—and I call the attention of the Senate especially to this act—nine of the greatest jurists in all the world, having amended the Constitution by assuming the right to pass upon the constitutionality of acts of Congress, had before them the Minimum Wage case coming from New York, as I remember. The Court held the State statute void on the ground that the States had no jurisdiction to fix minimum wages. They had already held that the United States Congress had no jurisdiction to fix minimum wages; and therefore, under this decision of the Court, we are in the remarkable situation that neither State legislatures nor the National Legislature have a right to fix minimum wages in this country.

WOMEN

I first talked about the farmer cases, then about the labor cases. I now come to legislation affecting women.

Mr. President, on September 19, 1918, the Congress passed what was known as the minimum-wage law for women here in the District of Columbia, the purpose being to secure for women workers such wages as would maintain them in good health and protect their morals. Under the Constitution, as we all know, the Congress has complete jurisdiction over everything in the District of Columbia; but the forces of greed immediately carried the case into the courts, and secured from a district judge an injunction prohibiting the execution of the act. The matter was carried to the Supreme Court, and is reported in Two Hundred and Sixty-first United States Reports, 525. The Supreme Court promptly declared the law unconstitutional because the standard prescribed—namely, to maintain women in good health—was too vague for practical application, and because there was no connection between morality and wages for women.

The act was held unconstitutional because it was impracticable, and because there was not any connection between low wages and morality among women! To their great honor be it said, Chief Justice Taft and Justices Holmes and Sanford dissented. Who can possibly know what the law is, or what the Constitution means, when nine of the greatest doctors of law in all the world disagree?

CHILD LABOR

I next come to child labor. Remember these pronouncements of the Supreme Court on constitutional grounds, first regarding labor; next as to farming; next as to women. Now comes child labor.

Mr. President, take the case of child labor, which was in such general use among the mills of our country, and was especially prevalent in the cotton and woolen mills of our country some 25 or 30 years ago. It had become an abomination.

I remember that in 1911, while on an automobile trip, we entered a little mill town at about 5 o'clock in the afternoon in the summertime. There were two automobiles in our party. There was a great cotton factory in the town, and after the 5 o'clock whistle blew, hundreds and hundreds of employees came filing out.

Most of them were children, white-faced, dull-eyed, dusty-haired, anemic, and unhealthy- and hungry-looking children of various ages from 8 to 16 years of age. Ill-clothed and ill-fed were these children. The sight brought tears to the eyes of a number of my party. I was not then in public office, but I made up my mind then and there that if ever I had an opportunity to aid in the prevention of such a system I would do everything in my power to prevent child labor in the factories of America.

The occasion soon arose. I was sent to the Congress in the same year, in 1911; and I had not been there long before the opportunity was given to vote on a bill prohibiting child labor. The bill was passed by the Congress. It went to President Taft, as I remember, and he vetoed it, and our then efforts were in vain. Later a similar bill was repassed by the Congress, and it went to President Wilson, and he signed it. Immediately one of the great concerns pecuniarily interested in the labor of little children, actuated by greed, as I

believe, filed a bill alleging the unconstitutionality of that measure; and a district Federal judge granted an injunction, and later the Supreme Court upheld it by a 5-to-4 decision.

But that was not all. A short time before, Congress had passed another of what are called by some of my friends "immoral" acts, known as the Phosphorus Match Act. It had developed that in manufacturing phosphorus matches the workmen engaged in the manufacture of the matches were injured and soon brought to their death by the deadly poisons used in making the matches; and the Congress of the United States "immorally" undertook to rectify this situation by putting a tax on phosphorus matches. The forces of greed again objected, and that case came before the Supreme Court, and, to the honor of the Court, it was decided against the forces of greed.

Many of us thought that if we could not use the interstate-commerce clause to protect helpless little children from being employed in these mills we could perhaps follow the Phosphorus Match case by putting a tax on the goods made by little children and in that way prevent their employment. We thought our action in attempting to protect little children from these pecuniarily greedy factories was a moral thing to do, but it seems that it was not. We passed that act. It went before a district judge. He held the act invalid on the ground that it was unconstitutional. The case went to the Supreme Court, and that Court, by a divided Court, held that the act was unconstitutional. Precedents are not binding on the Court where the safety of little children are involved.

Then, having failed twice, once under the interstate-commerce clause of the Constitution, and the second time, under the power to tax, having failed to protect the children, Congress passed a joint resolution providing for an amendment to the Constitution of the United States so as to give Congress the right to legislate on the subject of child labor. That joint resolution was passed by more than a two-thirds majority in each House. I am a little hesitant in undertaking to fix the exact date of that action—

Mr. HUGHES. It was 1913.

Mr. McKELLAR. The able and distinguished Senator from Delaware states that it was in 1913; and we have been attempting to have that amendment ratified by the necessary 36 States ever since, but have the ratification of only 26 States. We hope the other 10 will ratify.

Mr. MOORE. Is there a law in the Senator's State fixing the age at which children may go to work? We do not have child labor in New Jersey factories.

Mr. McKELLAR. Yes, there is a law in my State and it does protect to a great extent, but in many States there is little protection of children.

I am glad to hear New Jersey protects them. I think great reforms have been made by some of the States themselves. But a general law prohibiting child labor as a menace to the health and even to the lives of little children has not been passed in this country and child labor will never be eradicated until Congress enacts a law prohibiting it. And under the decisions of our Supreme Court we can enact no law till we amend the Constitution, and this takes a long, long time, as the friends of little children have found out.

For more than 30 years the fight has gone on in Congress. The Congress passed the first law on the subject more than 20 years ago, and still, by reason of the 5-to-4 decision of the Supreme Court, we have not been able to perform the humane and highly moral service of protecting the little children of America from the avarice and greed of those who would exploit them. Those acts of Congress were not unconstitutional. Under the wide latitude given in the Constitution there was not the slightest doubt about the dissenting opinion of Justice Holmes, Justice McKenna, Justice Brandeis, and Justice Clarke being the correct decision in the case. Such a humane act of Congress protecting little children from greed and avarice was not one which required the

great Court to invoke the ancient subtleties of the law, the doubtful precedents of a departed past, or the intricate niceties of judicial conception to render it nugatory. The Court had assumed the power to pass on it. One Judge out of nine really decided it. Who could say whether the decision of the majority or the minority was right? Looked at not as a mere abstraction of the law, but outside of it, looked at in reason, humanity, equity, and with a proper regard for future citizenship, for the teachings of the Savior of mankind concerning little children, I believe all these combine to make the opinion of the minority legal and binding. And yet, by reason of this 5-to-4 decision, untold thousands of little children are suffering in body and in mind this very day.

Can it be said to be "immoral" for Congress to pass such acts as these Child Labor Acts? If so, I must confess my ignorance of what is moral and what is immoral, for I believe with all my heart that these acts of the Congress on child labor were moral in every essential; and looking to the future of our citizenship in this country, I think they were the most desirable acts that could possibly have been passed.

Does someone refer to the immorality of denying this power to a district judge? I point to the greater immorality of decisions prohibiting the saving of the health and the lives of little children. Talk about the irreparable injury that comes to property if the right of injunction is modified. I talk about the protection of lives of little children and the protection of their happiness, of their welfare, and of their health, and even their lives.

But when it came to the poor and helpless, to the farmers, to the laborers, to the women, and even to the little children in their fights against greed and avarice, our Supreme Court has turned its thumbs down on them. It has rejected the great laws made in their behalf. It rejected as unconstitutional and invalid the laws protecting farmers and agriculture, the laws protecting labor, the laws protecting the workingwomen of our land, and even the laws protecting the little helpless children of the land against the hands of greed and avarice that would exploit them.

Mr. President, this is the record. I had never before examined the whole record with the care with which I have recently examined it. Dr. George J. Schulz, of the Congressional Library, has had printed a digest of opinions of the Supreme Court holding acts of Congress unconstitutional, and I commend the document he has prepared to every Senator, it makes no difference on which side he is. I ask Senators to look at this statement as to the 5-to-4 decisions, the 6-to-3 decisions, and even the 7-to-2 decisions, and see how our courts have uniformly stood by the vested interests and against the laboring men, the farmers, the women, and the children. It will be worth the while of Senators to look at this document, one of the most interesting and important documents ever printed, and I take this occasion to congratulate the distinguished and learned Assistant Librarian on his excellent work.

These 73 decisions in cases in which acts of Congress were set aside tell a pathetic story. They all show that, as badly as we needed a new deal for the economic welfare of our country, we need a new deal more in the regulation of our judicial system. I am not complaining of any judge. I have said before, and I say again, I think these judges are conscientious and are performing their duty as they see it, but after going over these cases I must say that on some occasions we have a misguided majority of the Court.

THE COURT VERSUS THE CONGRESS AND THE EXECUTIVE

Mr. President, the contest between the President and the Congress on the one side and the Supreme Court on the other is just about as old as our Nation. The Supreme Court semiofficially snubbed President Washington.

The fight between the Court, led by Chief Justice Marshall and President Jefferson, is known of all historians. It was bitter, and continued until President Jefferson's death. President Jefferson always thought that the Supreme Court assumed too much power.

Substantially the same fight went on between President Jackson and the Court. His expression in the Georgia case was substantially the following:

John Marshall has decided this case; let him enforce his decision.

Lincoln frequently assailed the Court and its decisions.

The Supreme Court was in position greatly to embarrass the Government during the Civil War in either of two ways. It might have held that the conflict was not a war and not covered by the laws of war, that prizes had been illegally taken by the Navy and foreign credit with southern ports illegally broken up. Such a decision would have made the Government liable for huge sums in damages, and its psychological effects would have been such as to seriously cripple the conduct of the war. The opinion of the majority of the Court delivered on March 10, 1863, by Justice Grier, Justice Wayne, and Mr. Lincoln's three appointees was all the administration could have desired. At that time Mr. Lincoln had already appointed three members of the Court, and he was charged with packing the Court.

The controversy between President Johnson and the Court is also well known. The celebrated case of *McCardle*, a Mississippi editor, is here recalled. He was arrested by military order for opposition to reconstruction. He sued out a writ of habeas corpus in the United States circuit court charging that military reconstruction was unconstitutional. The military commander refused to obey the writ and held the prisoner. An appeal was taken to the United States Supreme Court and, after argument of 4 days by some of the ablest lawyers in America, the Court decided that it had jurisdiction and must pass upon the issue. But before the day of hearing Congress repealed the law allowing appeals in such cases and the Supreme Court bowed in silence.

In speaking of the *McCardle* suit, Judge Curtis said:

Congress by the acquiescence of the people overcame the President and subdued the Supreme Court.

I have already spoken of the trouble between President Grant and the Court. Again, when Theodore Roosevelt was President, he had innumerable clashes with the Court. He advocated amendments to the Constitution for the recall of judges. Finally we have the present controversy between the President and the Supreme Court.

THE PRESENT CONTROVERSY

The present controversy is the outgrowth of differences of opinion about government, which differences arose in the beginning of our history as a nation and have continued down to the present date.

Our Federal courts have at all times been reactionary. Our judges being lawyers, it has been perfectly natural for them to stand by previous decisions and precedents. They look to the past for inspiration rather than to the future. They cling to old ideas and old ideals. Throughout their existence their decisions as to political rights have leaned always to the established order of things. In this way Federal courts have become the natural haven of the vested interests. They have become the sword and the shield of great corporate interests, of all the mammoth utility corporations, of all the aggregations of finance and of industry, and of what is commonly known as entrenched wealth.

Probably unconsciously, but nevertheless effectively, Federal courts have stood against innovations and changes in our Government, and their decisions show that they have checkmated these changes wherever possible. They never liked the rule of the masses of the people and hence their opposition to men like Jefferson and Jackson. Before the Civil War they could not help showing their political preference for the established order of things. After the Civil War they did not seem to understand that a revolution had taken place in our country, and it took them a long time to adjust themselves to the new regime.

Then came their decisions in favor of the wealthy and powerful; their decisions against the just imposition of income taxes; their continued upholding of the great corpo-

rate interests as against the people. Again, as the country developed and as the Congress kept pace with it with remedial legislation, more and more the reactionary courts struck down these progressive measures passed in the interest of human beings.

They declared unconstitutional and invalid, as I have before pointed out, humane legislation in favor of the farmers.

They declared invalid much-needed legislation in the interest of the workingwomen of the country.

They voided absolutely the acts of Congress passed in the interest of the laboring men.

More than all, over all, and above all, it seems to have been their determination to prevent any interference with the right of great industries to employ little children in their factories. This fight of the Court against the little children has been the longest and bitterest of them all and it is still going on.

ROOSEVELT'S POLICIES

When Franklin Roosevelt became President, reactionary policies, almost invariably upheld by the Federal courts, had reached their full fruition. They had brought our Government to the verge of disaster. Many thought they had brought our Government to the verge of revolution. President Roosevelt rose to the occasion. He believed, as I believe, that our Constitution is a flexible document and that it allows the greatest latitude in the judicial interpretation of constitutional questions; and thereupon he recommended, and the Congress passed, what is known as the New Deal legislation. Our reactionary Federal courts have struck down much of this legislation. Fortunately, before it was struck down it had accomplished much good, and had really restored the country to prosperity. The President favored this legislation. The Congress had overwhelmingly passed this legislation. The people have overwhelmingly approved this legislation. The reactionaries had been disregarded. The reactionary policies of Mr. Hoover had been nullified. Even the reactionary great interests saw that a change had taken place in the prevailing thought of the country, and had accepted the conditions.

Our Federal courts, the Supreme Court acting by a majority however, perhaps unconsciously but at the same time most effectively, had not given up the fight. They virtually vetoed the policies of the New Deal under their assumed power to declare acts of Congress unconstitutional.

Mr. President, a great economic and social revolution has taken place in America, and in my judgment the real reason why our Federal courts have declared the acts of the New Deal unconstitutional is that they have not understood the effect of this revolution.

THE REAL ISSUE

The real issue is not a fight between President Roosevelt and the Federal courts. It is a fight between outworn and outlived reactionary policies of government and the modern policies of real democracy and real freedom. President Roosevelt is the leader of the modern ideal and the modern policy. The Supreme Court is the last bulwark of an outlived reactionism. It is a fight between the two systems. It is not a fight between individuals. The Constitution is but an instrument in the fight, and it is often used as a smoke screen. This idea could not be better illustrated than by the words of Justice Roberts in the *A. A. A.* case, in which he said as to laws passed by Congress and sought to be invalidated—

When such a contention—

Meaning a contention as to invalidity of an act of Congress—

When such a contention comes here, we naturally require a showing that by no reasonable possibility can the challenged legislation fall within the wide range of discretion permitted to the Congress.

This expression comes from Mr. Justice Roberts, who held the Agricultural Adjustment Act invalid. He says that no

act can be held invalid if there is any reasonable possibility of its being within the wide range of jurisdiction of Congress. Yet, in spite of the fact that the Congress of the United States, each member of which is sworn to uphold the Constitution, voted for the legislation; that the President, who is likewise sworn to uphold the Constitution of the United States, approved the legislation, and that three members of Mr. Justice Roberts' own Court earnestly contended and argued that the legislation was within the wide range of discretion permitted to the Congress—and in spite of all that, he held the act invalid. He found no reasonable possibility that the act was valid, even though the act, after being passed by Congress, was approved by the President, and was held valid by three members of the Supreme Court.

Mr. President, the American people by the unprecedented majority of more than 11,000,000 votes have upheld what is known as the New Deal legislation.

PRESIDENT ROOSEVELT'S POSITION

Having been elected by the enormous majority of 11,000,000 votes, what was the President to do in these circumstances? He had advocated, and the Congress had passed, this New Deal legislation. The reactionaries had cried out against it, and had submitted it to the courts. The Federal courts had largely destroyed it. The issue that went before the American people last fall was the New Deal, and the President won. What was he to do? Was he to quit the fight or was he to carry on? Was he to remain silent after the people had decided in his favor? Was he to remain silent after his legislation had been destroyed? I doubt if anyone expected him to do that. There was but one thing that he could do, and that was to make effective the results of the economic revolution, of which he was the leader.

HIS PLAN

Many thought he was going to support amendments to the Constitution giving to the Congress the express power to deal with agriculture, industry, and the hours of labor. He was abused on every stump for his supposed amendments to the Constitution. His plan proposes no such thing. It proposes a strict compliance with the Constitution. It proposes such a strict compliance with the Constitution as has been already upheld by precedent and by the courts. He simply proposes to add to the membership of the Supreme Court and the circuit courts of the United States, and that is substantially all. He wishes to infuse new blood into our courts. His plan is perfectly reasonable, perfectly constitutional, and easy and quick of execution. There is nothing revolutionary about the plan. There is no interference with any constitutional guaranty. It does not change the Constitution one iota.

PACKING THE COURT

But it is claimed by our reactionary friends that to give President Roosevelt the power to appoint six Judges is subversive of the Supreme Court. Such a contention is wholly unsound. President Washington appointed 10 Judges, President Jackson appointed 5; President Lincoln 5; President Grant 4; President Taft 6. We had no revolution on those occasions; we had no breaking down of the Supreme Court when President Taft appointed six members of the Court. Why should anybody assume that because a President has within two terms the right to appoint six members of the Supreme Court it is subversive of the Supreme Court? Or that he is packing the Court? President Harding appointed four in a little more than 2 years, and even President Hoover appointed three. None of these appointees to the Court destroyed the Court, and if Mr. Roosevelt is allowed to appoint six, that will be no more than Mr. Taft appointed in one term.

In speaking of the appointment of Judges, only four Presidents did not have the opportunity of appointing a Supreme Court Judge. As I said a little while ago, these are William Henry Harrison, who lived only about a month; Zachary Taylor, who served a year and 4 months; and Andrew Johnson, who served practically a full term but was not permitted to make an appointment; and Franklin Roose-

velt, who has served more than a term without making an appointment.

It is fair to say that Mr. Madison in his second term, Mr. Monroe in his first term, and Mr. Wilson in his second term did not appoint Justices, but it is a peculiar fact that with six Justices over 70 years of age with the privilege to retire, none have retired in the first 4 years of Mr. Roosevelt's administration.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BLACK. Does the Senator have the record there of the number of Judges who retired shortly after President Woodrow Wilson's second term, after Mr. Harding and Mr. Daugherty came into office?

Mr. McKELLAR. I have just called attention to the fact that, although President Harding served only a little more than 2 years, just a little more than half of one term, he appointed four Judges to the Supreme Court.

Mr. BLACK. Does the Senator have the record showing how many of those appointments were because of previous resignations?

Mr. McKELLAR. No; I have not.

Mr. BLACK. My recollection is that three of them were due to resignations which occurred shortly after the second term of President Woodrow Wilson; but, of course, if those resignations had happened during President Wilson's term and he had filled the vacancies, the 5-to-4 might have been on the other side on various questions, and our farmers, workers, and people might now be protected by laws declared by the Supreme Court to be constitutional.

Mr. McKELLAR. It would have been an awful thing if the Court ever had five real Democrats on it. I presume not only the Supreme Court would have gone to the bow-wows under such circumstances but that the whole country, in the eyes of the reactionaries, would have likewise gone to the bow-wows if we had ever had five real Democrats on the Court.

Mr. BLACK. Mr. President, will the Senator yield further?

Mr. McKELLAR. Yes.

Mr. BLACK. The Senator, of course, is referring to the fact that if the personnel of the Court had happened from death or resignation to be altered by one Justice only, and this different Court majority had held these laws within the Constitution which the present 5-to-4 Justices held unconstitutional, we would have actually been living under constitutional laws, which are now judicially unconstitutional, just as we lived under legal tender law for many years, which five men once said was unconstitutional. We lived and functioned as a people under income-tax laws held constitutional for about a century, and later, by a 5-to-4 opinion, the people were told that a graduated income tax savored of communism, and then the law which had been constitutional for a century was unconstitutional for 25 years. Truly, the Constitution was not what its framers wrote, but what the Judges from time to time said the framers meant.

Mr. McKELLAR. The Senator from Alabama is entirely correct, and I thank him for his contribution.

I now come to a more important consideration in connection with the appointment of the six Judges, if they should be appointed. Where does this charge of packing the Court lead us to? It leads us not only to a charge that the President is going to pack the Court, but that the Senate is going to pack the Court. It is a charge against the integrity, the good sense, and the conscience of the Senate, for we all know that the President cannot pack the Court without the consent and approval of this body. It is idle to say that the Senate will agree to whatever the Executive recommends. Nominations of Supreme Court Justices have been rejected by this very body, and I am proud that is its history. I do not believe, and I think no Senator believes, that the Members of this body would join any Executive in packing the Supreme Court of the United States.

Mr. BLACK. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Does the Senator from Tennessee yield to the Senator from Alabama?

Mr. McKELLAR. I yield.

Mr. BLACK. The Senator referred to the "packing", which seems to have become a very popular term; and I assume that the term is intended to imply that someone, by particular action, causes Justices to be on the bench who otherwise would not be on the bench.

Mr. McKELLAR. Yes.

Mr. BLACK. The Senator is aware, of course, that it would be possible for the Judges themselves to retire or resign and thereby cause Judges to be placed on the bench who otherwise would not be on the bench? Under that definition such action could be tantamount to "packing the Court" by the Judges themselves. Of course, I do not mean to imply anything with reference to the Court at this time, but I call the Senator's attention to the fact that in a recent biography published last year there was quoted a letter written by a Judge who served about 75 years ago in which the Judge said he was being compelled to serve longer than he desired. He said that he wished to wait until his party got in power. Of course, he was acting within his constitutional rights and doubtless believed his action to be best for his country; but if packing the Court means to take action that alters the natural creation of vacancies, this timing of his resignation will doubtless be termed "packing the Court" by some of those who now use the term so fluently.

Mr. McKELLAR. I thank the Senator, and he will be interested in the expression of one or two of our Presidents and several members of our Supreme Court to which I will call his attention in a moment. However, before leaving this point let me repeat that the charge of packing the Court is not only a charge that the President of the United States is going to pack the Court but that the Senate is going to help him pack the Court. That is a charge that I resent, for I do not think any Senator would help anybody pack the Court with a Judge who is not the proper kind of man to be a Judge, who is not an honest man and not a faithful student of the law. And I do not think our splendid President would engage in any such business. No man nominated for a place on the Supreme Court bench can be placed there unless his nomination is confirmed by the Senate, and surely the Senate will not agree to the packing of the Court. Mr. Taft appointed six Justices. Nobody thinks he packed the Court. I think there is absolutely nothing in the contention.

Nobody thinks that he packed the Court.

It was charged because General Grant put two Justices on the Court that he packed the Court, but if those who are interested in the history of the transaction will examine a document written by the late George F. Hoar, a distinguished former Senator from the State of Massachusetts, which gives a complete history of the transaction, they will reach no other conclusion but that in President Grant's day, as in President Taft's day, as in President Lincoln's day, and as in the day of every other President, there has been no packing of the Court by any President. Nor will there be a packing of the Court by our present President.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BARKLEY. I assume that any President having the power of appointment, in looking over the field from which to select members of the Supreme Court, would be actuated in his selections by his conception of the fitness of the man or the men whom he intended to honor with such an appointment, and it would not be at all strange if he appointed somebody who had a view of the law and of the Constitution that might be somewhat in harmony with his own view. I recall that in the Wilson administration a distinguished judge from the State of Kentucky was an applicant for appointment to the Supreme Court. The entire Kentucky delegation went to the White House and interviewed the President, each member of the delegation presenting his estimate

of this distinguished Kentucky judge. When we had all concluded, President Wilson asked this significant question: "Gentlemen, does your candidate believe that the law grows, or does he take the legalistic view that it is finished?" In that interrogation he revealed to us the type of man he desired to appoint to the United States Supreme Court.

Mr. McKELLAR. Precisely; and no better rule was ever announced by any President.

Mr. BARKLEY. No more profound question was ever asked any delegation.

Mr. McKELLAR. I agree with the Senator.

Mr. BARKLEY. And yet I assume that, having such a conception of the sort of men who ought to be appointed to the Supreme Court, the fact that he followed it up with the appointment of that sort of men might equally be said to be a packing of the Court by the President with men who had that forward-looking view of the interpretation of the Constitution.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. MINTON. Since the Senator has been interrupted, let me suggest in that connection that during the Civil War period, when we were fighting for our existence as a Nation and certain acts had been passed carrying out the war policy, President Lincoln was very much concerned about the constitutionality of what he had done. There occurred a vacancy in the office of Chief Justice of the Supreme Court. In considering the appointment of Mr. Chase to fill that vacancy, which he did eventually fill, Lincoln said, "We want a Chief Justice who will uphold what we have done with reference to the War Act, the Emancipation Act, and the Legal Tender Act."

Mr. McKELLAR. That is true. I wonder if the Senator would object if I should add another word about Chief Justice Chase. He was appointed Chief Justice by Mr. Lincoln. He was in Mr. Lincoln's Cabinet before he was appointed Chief Justice. He was Secretary of the Treasury in 1862 and recommended to the Congress that what is known as the Legal Tender Act should be passed. He prepared the bill in the Treasury Department. I do not know that, as passed, it was in form prepared there, but all of its provisions were originally formulated there and it was introduced with his full consent and approval and at his instigation. Afterwards he was appointed to the Supreme Court bench and that act came to the Supreme Court for determination. Mr. Chase was one of those who voted to hold it unconstitutional when as a matter of fact he had prepared the original bill.

Packing the Court? If Mr. Lincoln undertook to pack the Court with Chief Justice Chase he certainly made a big mistake. I do not believe he undertook to do it.

I am not casting aspersions on any judge. I do not want it to be thought that I am casting any aspersions on the memory of Mr. Chase. I merely mean to say that Mr. Chase prepared the original bill, secured its passage and enactment into law as best he could, operated under the act for more than a year, and then afterward went on the Supreme Court bench in 1869 or 1870, and later joined in declaring it unconstitutional.

Mr. BLACK. Mr. President—

Mr. McKELLAR. I yield to the Senator from Alabama.

Mr. BLACK. May I ask the Senator if he has at any point in his remarks a quotation of a statement by ex-President William Howard Taft?

Mr. McKELLAR. No; I have not.

Mr. BLACK. I invite the Senator's attention to the fact with reference to a statement made by President Taft. So far as I know President Taft's purity of motive and cleanliness of heart had never been questioned by anyone.

Mr. McKELLAR. No one who knew him ever did so.

Mr. BLACK. He was a man of ability, a man of integrity, and a man who had a philosophy and stood for that philosophy. I invite attention to the fact that during the campaign between Mr. Harding and Mr. Cox, President Taft wrote an article for the Yale Law Journal. In the article

he stated in substance that the greatest domestic issue which confronted the people of the United States in that campaign was as to whether Harding or Cox should select Supreme Court Justices, where appointments might have to be made in the near future. He said this was important particularly because President Wilson's supporters had a tendency to incline to socialistic or communistic tendencies and to give undue powers to organized labor. President Taft then said that what the country needed was Judges who would protect the property of the people of the United States under the due-process clause, and that Harding could be better trusted to do this than Cox.

The Senator will recall that in practically all the cases to which he has referred the controversy had arisen over what comes within the due-process clause. That clause is wholly incapable of definition. No one has ever defined it. No one ever has marked its boundaries. It is as elastic as rubber. What President Taft really meant was that the due-process clause of the Constitution of the United States was what the Judge construing it thought it was. What he further implied was that he wanted Judges who would construe the due-process clause to mean what he, Mr. Taft, thought the clause ought to mean.

No reflection is intended on those Presidents who appoint Supreme Court Judges who, in interpreting this elastic due-process clause, which means one thing to one citizen and another thing to another citizen, have the philosophy which is the then prevailing sentiment of the country.

President Taft did not dispute it. President Taft accepted and emphasized it as an issue in a Presidential campaign. After that campaign three new Judges were added to the Supreme Court. As a result many 5-to-4 opinions have been written by the Supreme Court in which the five Judges interpreted the due-process clause in line with the predilections of that great man—and I call him a great man although I disagreed with his policies—President Taft.

I invite attention to that fact in connection with others as an illustration of the fact that even President Taft—whom all agree had the purest instincts and the most honorable and upright and patriotic motives—was willing to say to the country that the great domestic issue in a Presidential campaign was the economic philosophy and predilections of the Judges who were to sit in the Supreme Court and make final and unappealable decisions as to national policies, by an application of those predilections to the due-process clause of the Constitution.

Mr. McKELLAR. I thank the Senator.

Mr. MINTON. Mr. President, will the Senator from Tennessee yield further?

Mr. McKELLAR. Certainly.

Mr. MINTON. I am sure the Senator will agree with me that there is no historian or anyone else who condemns President Grant today for doing what he did with reference to filling vacancies on the Supreme Court when he appointed Justices Bradley and Strong.

Mr. McKELLAR. I have already said so.

Mr. MINTON. At that time, as the Senator knows, the Legal Tender Act was the burning issue of the day. When Grant placed those men on the bench he saw to it that he got two men who would sustain the act. It so happened that the act had already been declared unconstitutional by a vote of 4 to 3. When those two Judges came to the bench the Court reversed the previous opinion and declared the act constitutional by a vote of 5 to 4, and one of those two Justices wrote the opinion.

Mr. McKELLAR. Yes; and the country has sustained it since. More than that—though I, perhaps, ought not to say this, because I desire to avoid all reference to politics in any manner or form in this discussion—I recall, and I believe correctly, that Mr. Justice Strong had been chief justice of the Supreme Court of the State of Pennsylvania and had had this very act before him and had declared it constitutional. Mr. Bradley, of New Jersey, who was appointed also by President Grant, had represented certain large con-

cerns which were interested in the act. He had given them a formal opinion holding that the act was constitutional, so there was no question about the view of these two appointees, so far as he was concerned.

Mr. CONNALLY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Texas?

Mr. McKELLAR. Certainly.

Mr. CONNALLY. Am I to understand the Senator from Tennessee to state that he approves what President Grant did at that time?

Mr. McKELLAR. It is not necessary to approve it or disapprove it.

Mr. CONNALLY. I thought the Senator did approve it.

Mr. McKELLAR. I was just giving the historical facts.

Mr. CONNALLY. I am not trying to get into a colloquy with the Senator, but I thought he answered the Senator from Alabama [Mr. BLACK] to the effect that no one now complains of what President Grant did.

Mr. McKELLAR. I did say that. I have never read a complaint about it since that time.

Mr. CONNALLY. Does the Senator think President Grant did right?

Mr. McKELLAR. I do not see how he could have done anything else. Let me tell the Senator why I think so. There was no gold or silver in this country at that time. The Government could not coin gold or silver because there was none. It was all gone on account of the war. If he had not done what he did we might have gone into bankruptcy or into a revolution.

Mr. CONNALLY. Let me say to the Senator that the Senator from Texas thinks the last legal-tender decision was right. He thinks it was correct from a legal standpoint. What the Senator from Texas was interested in was whether or not the Senator from Tennessee approves what President Grant did, which the Senator now admits was to appoint two judges whose minds were already made up to sit on the Court for the purpose of reversing a particular decision. If that was right in that case, why would it not be right in any case, whenever the Court does not rule as we think it ought to rule, for Congress to put on another judge, and thus have the Court change its opinion?

Mr. McKELLAR. I think what was done has worked out all right. Whatever the condition may have been at the beginning, it has worked out all right. Whatever opinion was expressed to the contrary has long since lapsed into innocuous desuetude, and we have nothing to deal with but what is before us.

BUSINESS OF THE COURT

Again, it is claimed that the Supreme Court is up with its docket, and for this reason that it is not necessary to appoint any additional judges. Technically, this may be correct; but what the President states as the reason for the proposed change is that last year 803 applications for review of cases in the Supreme Court were filed, and only 108 of the cases were heard by the Court. I think the President is entirely correct in this. All of these applications should either be heard or they should have a chance to be heard by the full Court. If they are to be heard, or even most of them are to be heard, by the Court, an increase of the Court is necessary.

CRITICISMS OF THE SUPREME COURT

Some persons claim that no lawyer or legislator should even criticize the Court. Just criticism cannot hurt the Court or its members or any one else. Besides, the Court has been criticized by practically all of our strong Presidents except Presidents Cleveland and Wilson. I have not run across any criticism of the Court by those two Presidents, but here are some of the criticisms that have come to me:

Mr. Jefferson, at various times while he was President and afterward criticized the Supreme Court. In a letter to Spencer Roane he said:

The great object of my fear is the Federal judiciary. That body, like gravity, ever active, with noiseless foot gaining ground step by step and holding what it gains, is engulfing insidiously the special governments into the jaws of that which feeds them.

To William Johnson, he wrote in 1823, just a few years before he died:

There is no danger I apprehend so much as the consolidation of our Government by the noiseless and therefore unalarming instrumentality of the Supreme Court.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. CONNALLY. I ask the Senator from Tennessee if it is not true, however, that Mr. Jefferson attacked the Supreme Court not because it declared unconstitutional acts of Congress, but because it maintained acts of Congress, and therefore was bringing about the consolidation of which he spoke?

Mr. McKELLAR. Oh, no!

Mr. CONNALLY. Did not Mr. Jefferson attack the Supreme Court because it upheld acts of Congress?

Mr. McKELLAR. He attacked it on both grounds—both on the ground that it unconstitutionally interfered with State courts and acts of State legislatures, and on the ground that it went wholly outside of the Constitution in making its decisions. As I recall, no greater criticism ever came from Mr. Jefferson or any one else than his criticism of Chief Justice Marshall in his celebrated dictum in the case of *Marbury against Madison* in 1803.

Mr. CONNALLY. Will the Senator indulge me for a moment?

Mr. McKELLAR. Yes.

Mr. CONNALLY. Is it not true that Mr. Jefferson attacked the Supreme Court because it upheld the alien and sedition laws?

Mr. McKELLAR. That was one of the grounds of his criticism.

Mr. CONNALLY. Is it not true that he attacked the Supreme Court not because it declared unconstitutional but because it maintained the National Bank Act in *McCulloch against Maryland*?

Mr. McKELLAR. Oh, I think not. I think the Senator is mistaken. If I recall my history aright—and I may not do so, I do not make this assertion with positiveness—President Jefferson very much approved the decision in *McCulloch against Maryland*.

Mr. CONNALLY. There was a prior case in which the Supreme Court upheld the bank act, of which Mr. Jefferson did complain.

Mr. McKELLAR. Yes.

Mr. CONNALLY. The bank case I am now speaking of is the one involving the tax on Federal banks. The Senator has quoted a letter from Mr. Jefferson to Justice Johnson.

Mr. McKELLAR. Yes.

Mr. CONNALLY. Is it not true that Justice Johnson was an appointee of Mr. Jefferson, and that Justice Johnson went on the bench when he was only 36 years of age, and that one of the first things he did after he got on the bench was to rule adversely to Mr. Jefferson in the case in which Jefferson had advised and instructed collectors of customs to hold up all bills of lading on certain foreign commerce? Is it not true that Justice Johnson held that Mr. Jefferson did not have that authority under the law, and that Mr. Jefferson's complaint of the Court was that it was maintaining the Constitution and not overruling it?

Mr. McKELLAR. I can hardly imagine that that can be the case, for the reason that the letter from which I am quoting is written to Justice Johnson in the most friendly and delightful fashion, as if he and Mr. Jefferson had always been friends.

Mr. BARKLEY. Mr. President—

Mr. McKELLAR. I will yield to the Senator from Kentucky in just a minute. Let me reply further to the question of the Senator from Texas.

Mr. Jefferson became President on the 4th of March 1801. He was President for 8 years, and lived until the 4th of July 1826. If the Senator will look at Mr. Jefferson's writings—and they were numerous—he will find in every single one of those years criticism of what Mr. Jefferson called the "noise-

less action" of the Supreme Court in taking on additional authority all through the years.

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

Mr. McKELLAR. Yes; I yield.

Mr. BARKLEY. The point the Senator from Tennessee is making is that, beginning with Jefferson, many Presidents have criticized the action of the Supreme Court. It makes little difference whether that criticism was based upon the action of the Court in holding some act of Congress constitutional or in holding it unconstitutional. It is a matter of opinion as between the critic and the Court. So far as the propriety or justice of the criticism is concerned, the fact that the decision might have been for or against the constitutionality of an act of Congress really has no bearing upon the subject.

Mr. McKELLAR. It certainly has not in this case, for the additional reason that no act was held unconstitutional at that time.

Mr. BARKLEY. No.

Mr. McKELLAR. It is true that Chief Justice Marshall, in *Marbury against Madison*, wrote a dictum—not a decision but a dictum, which he afterward admitted was a dictum—declaring the act, in his judgment, unconstitutional. That, however, was the only case of the kind; and no court ever undertook to hold any act of Congress unconstitutional until 1856, in the *Dred Scott* case, when Chief Justice Taney held unconstitutional an act which had already been repealed by the Congress of the United States 2 years before.

Mr. BARKLEY. Mr. President, will the Senator yield there?

Mr. McKELLAR. I yield.

Mr. BARKLEY. Many, if not most, of Mr. Jefferson's criticisms of Chief Justice Marshall were based on the fact that Marshall was maintaining the existence and the expansion of Federal powers dealing with public matters. In spite of that, is it not historically true that while Mr. Jefferson was President, in many respects he changed his own views with respect to that subject, and in a number of instances advocated the exercise of Federal powers which he had previously said did not exist?

Mr. McKELLAR. I have here the excerpts from Mr. Jefferson, which I will finish reading.

Mr. ASHURST. Mr. President—

Mr. McKELLAR. I yield to the Senator from Arizona.

Mr. ASHURST. I regret somewhat to interrupt and mar the symmetry of what I think in the main is evidence of admirable and correct research on the part of the Senator from Tennessee; and if my interruption—which may be 3 or 4 minutes in length—would break or disjoint his speech, I shall not make it. I have here some matter, however—

Mr. McKELLAR. I have only a very little more to say; and, if the Senator will indulge me, I should like to finish, because I desire to keep together, as far as I can, especially the opinions of Mr. Jefferson and of members of the Court.

Mr. ASHURST. I understand.

Mr. McKELLAR. Again, in 1820 Mr. Jefferson wrote to William C. Jarvis, as follows:

It is a very dangerous doctrine to consider the judges as the ultimate arbiters of all questions. It is one which would place us under the despotism of an oligarchy.

I call the especial attention of those who are interested in politics to this letter.

In 1810 Mr. Jefferson wrote to Albert Gallatin, who was then Secretary of the Treasury and had been such under Jefferson:

At length we have a chance of getting a Republican majority—

Meaning, of course, a Democratic majority, because what was known at that time as the Republican Party was actually the Democratic Party—

in the supreme judiciary. For 10 years has that branch bridged the spirit and will of the Nation, after the Nation had manifested its will by a complete reform in every branch depending on them.

And again, in a letter to Caesar A. Romney, the date of which I have not here, Mr. Jefferson said:

The death of Associate Justice Cushing gives an opportunity for at length getting a Republican—

Meaning a Democratic—

majority on the Supreme Court bench. Ten years has the anti-civism of that body been bidding defiance to the spirit of the whole Nation if they had manifested their will by reforming every other branch of government. I trust the occasion will not be lost. Nothing is more material than to complete the reformation of the Government by this appointment.

We have already seen that Andrew Jackson and Abraham Lincoln frequently criticized the Court.

No less a person than Charles Sumner, who surely could not be called an anarchist or an enemy of law and order, spoke as follows—I stop here long enough to say that certainly when I was a boy I did not know that I should ever be quoting Charles Sumner on anything; but I am going to quote him here. Here is what he had to say—

Mr. CONNALLY. Mr. President, what was the date when Mr. Sumner said that, please?

Mr. McKELLAR. I have not the date here. I shall be glad to get it.

Mr. CONNALLY. Was it after the Supreme Court declared unconstitutional the civil rights and other reconstruction measures in regard to the South?

Mr. McKELLAR. Perhaps so. I shall let the Senator determine that question. Here is what Mr. Sumner said:

I hold judges, and especially the Supreme Court of the country, in much respect—

As I think we all do—

but I am too familiar with the history of judicial proceedings to regard them with any superstitious reverence. Judges are but men, and in all ages have shown a fair share of frailty. Alas! alas! the worst crimes in history have been perpetrated under their sanction. The blood of martyrs and of patriots, crying from the ground, summons them to judgment.

Again Roscoe Conkling, long one of the most influential leaders of the Republican Party and for a long time a Member of the Senate, said:

Why, sir, the infallibility ascribed to the Supreme Court makes the Constitution, the institutions of the country, nothing but wax in the hands of the judges!

Professor Russell, of the New York University Law School, said:

The judiciary holds a higher rank in America than it does in England or anywhere else in the world. It also has a wider range of power. The deliberate setting aside of a statute by judicial authority for unconstitutionality is a practice wholly foreign to European ideas, and is recognized only in the United States.

Mr. President, I shall now come to what members of the Court themselves have said about the Court—not Senators, not Presidents, not doctors of law, not politicians, but what respected and learned members of the Court themselves have said.

Concerning the famous Income Tax case, to which I have already adverted, decided by a 5-to-4 opinion, after the somersault of Justice Shiras, Justice Harlan, of Kentucky, a splendid and able man and a great judge, had this to say:

The practical effect of the decision today is to give to certain kinds of property a position of favoritism and advantage inconsistent with the fundamental principles of our social organization, and to invest them with power and influence that may be perilous to that portion of the American people upon whom rests the larger part of the burdens of government, and who ought not to be subjected to the dominion of aggregated wealth any more than the property of the country should be at the mercy of the lawless.

Mr. Justice Brown, another great member of the Court, was even more outspoken. He said:

The decision involves nothing less than a surrender to the moneyed class. . . . I hope it may not prove the first step toward the submergence of the liberties of the people in a sordid despotism of wealth. As I cannot escape the conviction that the decision of the Court in this great case is fraught with immeasurable danger to the future of the country, and that it approaches the proportions of a national calamity, I feel it my duty to enter my protest against it.

Mr. Justice Harlan, whom I have already quoted, further said:

When the American people come to the conclusion that the judiciary of this land is usurping to itself the functions of the legislative department of the Government and, by judicial construction only, is declaring what shall be the public policy of the United States, we shall find trouble.

There are today 130,000,000 people in the United States, but at that time Justice Harlan said:

Ninety million of people—all sorts of people—are not going to submit to the usurpation by the judiciary of the functions of other departments of the Government on the power on its part to declare what is the policy of the United States.

Governor Baldwin, of Connecticut, former Chief Justice, said:

This right of the Court to set itself up as the legislature is something no other country in the world would tolerate.

Mr. President, in my judgment, the proposal of President Roosevelt is sound and I intend to support it. Of course, the Judiciary Committee of the House and the Judiciary Committee of the Senate will first pass upon it, and no doubt will make changes. The House may make changes and the Senate may make changes, but in the end the proposal will be enacted into law. This country is not going to take any backward step. We are not going to be governed in the last analysis by Federal courts. We are not going to be governed by the issuance of injunctions by Federal courts. We are not going to be governed by decrees of the Supreme Court. Our Supreme Court is not so constituted as to render it either an efficient legislature or an efficient executive. Under the Constitution it has not equal power either with the Congress or with the Executive. That great instrument, to which I have always given my earnest adherence and always will, distinctly provides that the Congress has superior, wider, and more numerous powers than the Supreme Court. It also provides that the President of the United States has larger and fuller powers than the Supreme Court.

If Senators will look at that great instrument again, in the light of this statement, they will find that the actual powers vested in the two Houses of Congress are infinitely greater than those given to the Supreme Court of the United States. Look into that great instrument, and it will be found that the enormous powers given to the President of the United States, probably greater powers than are reposed in the sovereign of any other limited monarchy on earth today, are vastly greater and more numerous than the powers vested in the Supreme Court.

It was never intended that our Supreme Court should be equal in power to either of the other two branches of the Government. It has never been so and never will be so. Our Supreme Court, indeed, has greater powers than the supreme court of any other nation in the world, but under our system and under our Constitution its powers are far from equal to the powers of our Executive or the powers of our Congress.

Mr. President, President Roosevelt's Supreme Court proposal violates no provision of our Constitution. It adds nothing to the Constitution. It takes nothing from the Constitution. It simply exercises a jurisdiction and a right already given by the Constitution to the Congress and to the President, and a right heretofore exercised by Congress and the President.

Mr. President, a large majority on our Supreme Court has been intensely reactionary during all its history of 148 years. That majority has always taken the strictly legalistic view that the law is final. They have never taken the liberal view that the law grows. In President Wilson's last term several judges became eligible to retire, but they did not retire; apparently, they waited until a reactionary President, Mr. Harding, came in and he filled their places with reactionary appointees. In like manner, a number have been eligible for retirement during President Roosevelt's last 4 years, but none has retired; and the Court still remains as it has been all its history, but especially since 1869, about two-thirds

reactionary. Could it be possible that reactionary members of the Court were thus attempting to pack the Court? Heaven forbid!

President Roosevelt's proposal, if adopted by the Congress, will give a liberal President the opportunity of appointing liberal judges on the bench. He ought to have that opportunity. In my judgment, it will not hurt the Court in the least but will greatly benefit the Court. Leave the Constitution as it is; but let us have a liberal majority of the Court which we hope will give to the greatest governmental instrument ever conceived by the genius of mortal men a construction justified by its terms, intended by its makers, in keeping with the ever-growing law, in harmony with our traditions, but at the same time consistent with the forward-looking policies which are the true causes of American greatness.

UNEMPLOYMENT AND COLLECTIVE BARGAINING

Mr. DAVIS. Mr. President, I desire to address the Senate today on the subject of unemployment and collective bargaining, collective bargaining being the safe and sane way to prevent industrial strife; and to urge the Committee to Audit and Control the Contingent Expenses of the Senate to give immediate consideration to Senate Resolution 36, introduced by the able Senator from New Mexico [Mr. HATCH], and reported favorably by the Senate Committee on Education and Labor.

UNEMPLOYMENT

At the present time strikes arising over the principle of collective bargaining are causing a great loss of earnings to both labor and industry, and are retarding national recovery. Strikes are always imminent in periods of deflation and inflation. In 1921, following the deflationary post-war period, we faced strikes in a dozen or more industrial areas leading to the stoppage of work for over a million workers at one time. Today the situation is reversed, and we are on an upward swing. Nevertheless, the problem of strikes is a serious one.

I have always held with Lincoln that the workman has the right to quit his job. Any contrary opinion would be a reversion to slavery or economic serfdom under the strong hand of arbitrary power. But the right to strike and expediency are two quite different matters. Moreover, we must inquire more intelligently into the forces back of large-scale strikes. Especially we must give thought to the findings which are now being brought to light by the Senate Committee on Civil Liberties.

The public mutely suffers through all the turmoil of industrial warfare without sufficient understanding of where the trouble lies. The public wants disarmament and peace in industry as ardently as it wants reduction of waste in men and money in international conflicts, but, as yet, has found no effective way in which to approach either problem. What is now needed is a more serious study of the road to economic peace through increased employment.

Every strike or lock-out causing stoppage of production, with consequent increases in the cost of the product for consumption, hits the pocketbook of the buying public. No strike or lock-out ever wins a real victory. This is as true of a sit-down strike as of any other kind. Each strike ends in a tacit truce. Whichever party loses generally prepares at once for a future battle and hopes for a more successful issue at some later time. The consequences of such procedure for the Nation's industry are found in the poisonous fruits of suspicion, hostility, and industrial friction. Discontented workers are the inevitable product of these endless conflicts, and the discontented worker is always half-hearted and subefficient.

These clashes between men and groups of men will be inevitable so long as men remain what they are and human society is as we find it. The lion and the lamb may not lie down together in industry, in this generation or the next. I doubt if we want them to. A society without differences in

opinion and clashings of interest would be completely lifeless. But it is absurd to think of battle as the one means of settlement of differences of opinion; and strikes are costly, far beyond our ability to calculate.

Strikes over the principle of collective bargaining will cause national difficulty until both labor and industry come to a general acceptance of this peaceful method of settling their disputes. Any delay in accepting this peaceful instrument will bring grief and loss to all of us.

The right of workers to organize must be maintained. The selection of one form of labor organization rather than another is really not primarily a matter which industry should decide, because choices in these issues belong to labor. Labor has never attempted to dictate the forms of organization with which it must bargain. The workers should be given the liberty of self-organization in any form which seems to offer them the most advantages. This is the sum and substance of economic democracy. There are really no issues so fundamental to human happiness in this country as the right of workers to organize through their free choice of their own representatives, and the maintenance of the American standard of living through tariff protection and selective immigration.

One of the urgent reasons which induced me to vote for the National Industrial Recovery Act, which was declared unconstitutional, was its section 7a; namely, that

Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

Under the National Industrial Recovery Act a great stimulus was given to the organization of trade associations, groups of employers, and employers' associations of all kinds. Employers and industries were thus enabled to do under that act what they were formerly not able to do, because through its provisions the antitrust laws were temporarily lifted.

If the Government is to encourage organization upon the part of employers, it seems logical for the Government to give the workers the necessary degree of protection in the formation of their own voluntary forms of organization. I do not propose that the Government shall become a party to the formation of labor organizations, but that it shall protect the workers in such organizational measures as free men are entitled to take.

The worker knows for himself that the struggle for the necessities of life is the greatest contest waged by man. Each man has his own way of fighting this battle. On the same wage, in the same town, in the same factory, and under the same conditions, one worker will live better, have more, save more, and push farther than a fellow worker. Slowly the less adapted fall back, and some of them drop out of the fight altogether. Often sickness, accidents, or some other adversity beyond human foresight and control are the reasons for these unhappy failures. Or it may be that the cause of failure is drunkenness, a want of capacity, or a refusal to work up to capacity. But however explained, there will always be some workers at least who cannot keep up to the standard set by others. This is one of the great problems of the industrial world. How can a system be devised which will enable all men to use their abilities so as to gain for themselves the just returns of their efforts and at the same time be prevented from taking from those less able the very support of life? In other words, how can we provide competition which is not only fair and just but at the same time is sufficiently generous to enable less fortunate workmen an opportunity to carry on?

One of the reasons back of strikes is an excess of labor. This leads to a consideration of the greatest issue of our day—the problem of unemployment. We must now inquire into this situation if we are to preserve industrial peace. It will not be enough to take a census of the unemployed. A

study of growing employment opportunities by localities, industries, and seasonal fluctuation is also needed, pointing the way to new outlets for labor. Such reports as are now available are insufficient to serve as a basis for constructive planning. The whole field of employment and unemployment must now be surveyed.

Surface indications on every hand show that even during the depression years employment did not lag to an appreciable extent commensurate with the degree of unemployment. Employment was fairly constant in many industries and localities, but not sufficiently so as to justify a hasty generalization for all industry. Unemployment was not diminished simply by filling old jobs, for after former employment had been restored to a large extent, following the worst of the depression extremes, unemployment persisted to an alarming degree.

The moral costs of unemployment are indeed grave. These are set forth in vivid fashion by the Welfare Council of New York City following a survey by questionnaire of about a thousand social workers there. I ask that an article appearing in Commerce and Finance of April 6, 1932, giving the result of a survey conducted by William Hodson, be printed at this point in connection with my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Commerce and Finance, for Apr. 6, 1932]

THE MORAL COSTS OF UNEMPLOYMENT

After a survey by questionnaire of about a thousand social workers in New York City's established public and private relief agencies, the Welfare Council on March 30 set forth a list of the serious psychological effects of the privations and hardships resulting from unemployment. The result of the survey, which has been in progress for several months, was announced by William Hodson, executive director of the council. The effects were listed as follows:

Discouragement, depression, desperation—often to the verge, and sometimes to the point, of actual crime.

Bewilderment and mental confusion.

Loss of self-confidence, development of a sense of failure and inferiority, or a thwarted feeling of helplessness.

Loss of initiative and sense of responsibility, indifference, indolence, apathy, and lethargy.

Passive submission and endurance, loss of courage to go on looking for work or to try anything new; or

Obsession with the necessity of finding work, inability to take interest in other activities or to meet obligations.

Occasionally a sense of importance, as part of a front-page problem, enjoyment of the situation and of the attention it brings.

Bitterness, disrespect for law and religion, moral and spiritual deterioration.

Cynicism, resentment, antagonism, rebellion—against the wealthy, against society, against the Government.

Loss of pride and self-respect, carelessness about personal appearance, sensitiveness, avoidance of social contacts; or, on the contrary—

Restlessness, craving for excitement and distraction, leading to drinking and gambling.

Mental and nervous disturbances from irritability and excessive worry up to serious neurological conditions.

Contented acceptance of lower standards and dependence upon charity.

Constant fear, even when again employed, and a sense of insecurity; desire to give up well-paid, skilled seasonal work for city employment or anything that would insure a steady income, however low.

And yet we marvel at crime!

Mr. Hodson coupled his report with a repeated demand for additional city appropriations for relief and an appeal for support of the current "block-aid" campaign to raise funds for 20,000 unemployed heads of families during the spring. This campaign is said to be making good progress, the 43,000 workers in this field having turned in 78,000 donations by April 1. As the standard donations are 10, 25, 50 cents, and \$1 a week for 20 weeks, the sums thus raised seem not to be very impressive.

The coal-mining industry celebrated All Fools' Day with widespread strikes, lock-outs, violence, and wage disagreements. While the 13,000 workers in the anthracite industry in Pennsylvania field were ordered by their own officials to go back to work, 75,000 involved in the coal fields of Illinois, Ohio, West Virginia, and Kentucky were thrown out of work by strikes and shut-downs. In Kentucky considerable sabotage in the mines was reported.

New York City Suburban Transit Engineering Board reports a decrease of 8.63 percent in the number of commuters entering and leaving the city during 1931, as compared with 1930; which seems to indicate that nearly every eleventh commuter is out of a job.

Police Commissioner Mulrooney, of New York City, in an address to the Bond Club, stated last week that the real cure for crime is to look after the delinquent youth of the Nation, providing for them healthful recreation and employment. Good advice; but how is a nation which is unable to provide employment for its youth who are not delinquent going to do it?

Mr. DAVIS. The prospect of continuing unemployment for large numbers of persons unless new avenues of work are found is convincingly shown in a number of important articles which I have in hand, and which I ask to be incorporated in my remarks. These are a statement in the United States News, October 1, 1934, an editorial in the United Mine Workers Journal, April 1, 1926, and a statement made by William G. Conley, formerly Governor of West Virginia, set forth in the United States Daily, November 2, 1929.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the United States News of Oct. 1, 1934]

IS UNEMPLOYMENT PERMANENT?—THREE MILLION WOULD BE IDLE EVEN IF 1929 BUSINESS PREVAILED—PROBLEM NOW IS WHAT TO DO WITH THESE IDLE BUT WILLING PERSONS

How permanent is the unemployment problem? How many of the 10,793,000 workers now living in enforced leisure or working at temporary jobs provided by Government funds are square pegs in round holes forever displaced from the jobs to which they devoted years of their lives and for which they were trained?

If by the wave of a magic wand America could go back to the unemployment levels of 1929; if today there were just as many workers in the factories, just as many clerks in the stores, the same number of farmers and if every other type of productive activity were on the level of the last year of prosperity there still would be 3,000,000 persons qualified to hold jobs who would be unable to obtain them.

FEWER WORKERS NEEDED

This figure is a conservative estimate of the number of persons who are permanently outside of industry. It is considered extremely doubtful if business, even at the levels of prosperity, would reemploy all of an additional 4,000,000 workers in the mining, manufacturing, and service industries in 1927, who are still out of jobs. New mechanical improvements have eliminated the need for many thousands of employees.

The estimate of the number of workers permanently displaced from industry is that of Isador Lubin, Commissioner of the Bureau of Labor Statistics. Although it is based on May figures, it still holds good, for there has been only a slight change in employment since then.

TEN MILLION PAUPERS

While there is no official ratio, statisticians generally assume that there are two and one-half persons dependent on each worker. If this ratio is applicable to the 3,000,000 workers who are permanently displaced from employment, they have 7,500,000 dependents, making a total of 10,500,000 persons who are on a permanent pauper list in this country, unless some action is taken to open up new fields of employment.

After surveying the possible fields for the employment of these workers, Dr. Lubin comes to the conclusion they must be given jobs by the development of social services to fill the need for better health, educational, and recreational facilities. He says:

"With a modernized system of education and with recreational facilities adequate to our needs, and with a public-health system which will maintain the American people in keeping with modern scientific knowledge, there will be no difficulty in reabsorbing those who cannot during this generation find employment in private industry."

ONE WAY OF DOING IT

Activities of this type, in Dr. Lubin's opinion, must be financed by the Federal Government, for they do "not lend themselves to a regime of private profit." "To raise the necessary money," continues Dr. Lubin, "an increasing income will have to be taken from the profits of industry and through inheritance taxes." An example of a new type of enterprise outside the ordinary bounds of industry which is cited by Dr. Lubin is the Civilian Conservation Corps.

By a monthly expenditure which during July amounted to \$35,000,000, the C. C. C. gave work to 350,000 men. Since July the total employment in C. C. C. camps has risen to 400,000. If, as is claimed by Government officials, each worker in the C. C. C. camps supports 3 persons, a permanent C. C. C. would care for 1,600,000 of the 10,500,000 who no longer are supported by industry, even under 1929 employment levels.

Two alternatives to Dr. Lubin's program are suggested. One of them, the curbing of the use of machinery, has been somewhat in evidence in some of the work-relief activities. The other alternative is further spreading of the available employment by shortening of work hours.

Objections are raised to both of these methods of increasing the number of jobs on the ground that they tend to lower living standards.

No action has been taken by the Federal Government to find a solution to the problem of employing the workers who are no longer needed by private industry. A research study, however, which ultimately may aid in the problem has been started in the United States Employment Service.

It is the conclusion of relief officials that the unemployed with whom the Government will have to deal if it undertakes a reemployment plan of the type suggested by Dr. Lubin are comparable in ability to the employed part of the population. This was not true during the years from 1929 to 1931, when there was a noticeably large proportion of inefficient workers among the unemployed.

THEIR EXPERIENCE

Partial returns from a study which the Federal Emergency Relief Administration is making to determine the work experience of those on relief show that two-fifths of the formerly employed persons who are now on relief worked at one job for more than 5 years. A similar number of those on relief who were formerly employed worked at one job for periods varying from 6 months to 5 years.

Reabsorption of workers into industry has gone on most rapidly in manufacturing industries which produce consumers' goods.

Since March 1933, 850,000 workers have gone back to their jobs in factories making clothing, food products, boots and shoes, and other goods in common use. Today these factories are employing only about 400,000 fewer persons than in 1929.

HEAVY INDUSTRIES

Durable-goods industries or the factories engaged in making iron and steel products, tools, lighting equipment, cement, and other materials needed for construction or for manufacture of goods in consumers' goods industries have reemployed about 1,000,000 workers, but still have about 1,500,000 fewer employees than in 1929.

Unemployment not accounted for in the manufacturing, mining, and service industries may be found among the workmen formerly employed in building construction, on the farms, and in the professional and domestic services. In addition to these there are the unemployed among the tenant farmers who have been displaced from farms because of crop-reduction plans and the 500,000 small-business men who have had to close their establishments.

In his survey to determine possibilities of reemployment Dr. Lubin concludes that there is small chance of the construction industry reemploying 1,500,000 workers and returning to 1929 levels without further stimulus from the Federal Government. And there is little chance for additional agricultural employment unless there should be a substantial rise in exports of agricultural products.

AN OLD PROBLEM

"Without a marked shift in our living habits," says Dr. Lubin, "the absorption of persons in domestic service will be limited."

The problem of reabsorbing displaced industrial workers into other fields is of long standing. That it grew at a rapid rate in the years after 1925 is shown by a report made in 1928 by the then Commissioner of the Bureau of Labor Statistics. He estimated that between 1925 and January 1928 there was a shrinkage of 1,874,050 in the number of employed wage and salary workers.

One half of this shrinkage was attributed by the Commissioner to the introduction of new machines and mechanical devices into industry.

A GLOOMY PROSPECT

The relief outlook for this winter is even gloomier than for last year. There are now 17,000,000 persons on relief, and, according to Donald Richberg's report on unemployment it is probable that the number will reach 20,000,000 this winter.

During the last 3 years the attitude of the United States toward relief has changed. From a local problem handled by the local authorities it has become a national affair, under the direction of the Federal Government.

In the same way, the attitude toward unemployment is changing. Officials who are directly concerned with the problem are of the opinion that the permanent nature of the unemployment is being realized. Some provision must be made for smoothing the 3,000,000 or more square pegs—those persons who are permanently displaced from industry—so that they once more can fit into the national picture.

[From the United Mine Workers' Journal of Apr. 1, 1926]

TWENTY PERCENT OF MEN ALWAYS IDLE AS RESULT OF WASTE IN INDUSTRY

NEW YORK.—Twenty percent of the manpower of the Nation is totally wasted and in some industries, such as coal, the waste amounts almost to chaos, sharply challenging the ingenuity of statesmen and engineers, according to speakers who discussed the social results of preventable industrial wastes at the nineteenth annual meeting of the American Association for Labor Legislation here.

Addresses were made by Walton H. Hamilton, of the Robert Brookings School of Economics and Government, Washington, D. C.; Stuart Chase, of the Labor Bureau, New York City.

"We see on any given working day seven or eight million adults doing precisely nothing," Mr. Chase declared. "Yet with the business cycle controlled, seasonal operations and turn-over less modified, safety measures and preventive measures installed, and social pressure exerted on the willfully idle, a large fraction of this loss is probably preventable."

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The great majority are idle against their will and inclination, according to Mr. Chase. These are mainly the victims of seasonal and cyclical unemployment and preventable accidents and ill health.

If to the men who are idle through no fault of their own are added those who are idle by choice and those who are engaged in needless or socially harmful production, the result is, according to Mr. Chase, that "at least half the manpower of America counts for nothing."

"Functionalism", which Mr. Chase defined as "an economic system which has grown self-conscious with tangible goals measurable in human well-being", is, he said, "already at work", and is shown, for example, in the dawning realization of labor that productivity must be correlated to standard of living and in the whole engineering approach to waste elimination.

Mr. Hamilton declared that "wanton wastes" in the bituminous coal industry have produced chaos not only in production but in employment.

"There has been a failure in supply", he said, "three times in a 10-year period, and as yet no adequate steps have been taken to insure regular production of the stuff of power on which our whole industrial system depends."

"The workers have even more reason to be dissatisfied with the results of the competitive regime in the coal industry. Mining is today among the most hazardous of occupations in the country. The industry's failure to provide regular employment is all too clear. In the 10 years from 1910 to 1921 the working time of the miners averaged only 214 days a year."

"The source of the disorder, which is coal", he continued, "is the inability of free competition to control mine capacity."

In a discussion of the addresses, Gorton James, of the Harvard Graduate School of Business Administration, said that "the engineering profession is doing wonders in its attack on mechanical wastes." "But", he continued, "our methods of production may be producing wastes which are not visible or measurable and which for that reason are more insidious and dangerous. The fact that workers go home tired from work does not prove that we have used their efforts efficiently. There is a vast human waste of unnecessary fatigue and unrealized ambitions. This human waste is new, a product of the machine age."

[From the United States Daily, Nov. 2, 1929]

AGE BARRIERS FOR WORKERS CREATE SOCIAL BURDEN—IDLENESS OF MEN AND WOMEN IN PRIME OF LIFE THROUGH DENIAL OF EMPLOYMENT IS ECONOMIC WASTE, SAYS GOVERNOR OF WEST VIRGINIA

By William G. Conley, Governor, State of West Virginia

Today we are face to face with a movement that may culminate in an unemployment situation far more serious than any we have experienced heretofore. For many years employers of labor, whether for executive, clerical, or manual work, have refused to employ men and women over 40 years of age, regardless of the experience those men and women might have had, regardless of their ability, regardless of their physical capacity, regardless of competency, efficiency, thrift, honesty, industry, and loyalty.

The mere fact that these men and women have lived 40 years is sufficient to raise the barrier against them and force them into the ranks of the idle. I am told that in some lines the age limit has been reduced to 35 years, and in a few instances to 30 years. If this tendency to disbar workers from employment simply because they have reached the age of 30, 35, or 40 years continues, without taking into consideration their capacity to serve, it is inevitable that our social and economic structure will be critically disturbed.

We are struggling now under a large burden caused by the disemployment of men and women who have reached really old age, and who are neither physically nor mentally capable of further active service. Old-age pensions have gained great favor in recent years, and it may be that such a system of retirement will solve the problem for the older employees; but what are we to do with men and women in the very prime of life, who are refused an opportunity to earn their self-support and the support of their families because they have lived a little more than half of their allotted threescore years and ten?

I have received letters from numerous persons telling of their discharge because of being 40 years of age or over, and stating that they are competent, able, and willing to render good service and earn a respectable living for themselves and their families. This is a condition, and not a theory, that confronts us.

It is my belief that every competent middle-aged and old-aged man and woman should have the same opportunity and stand on an equal footing in the right to earn a living with the young man and woman. There should be no arbitrary old-age barrier.

Many large employers of labor are taking care of this situation by providing retirement funds for their faithful employees and by other means. I am told that a large manufacturing company has a veteran employees' association composed of over 3,000 men and women who have served the company for periods ranging from 20 to 40 years. The company is not a charitable institution. It is organized for profit, yet it continues to employ those older men and women because most of them are young in the spirit of interest in, and enthusiasm for, their work and are loyal to their employer, and because the company finds their services profitable.

As far as my knowledge goes, all great authorities claim a man is not at the zenith of his career until he reaches the age of 50.

The majority of our great bankers, industrialists, merchants, and statesmen are over that age. The average age of the first 30 Presidents of the United States was 54 years and 4 months at the time of inauguration. Undoubtedly there are sufficient energy and brains among the middle-aged to cope equally with the younger man in many positions, if given the opportunity. Then why should a man or woman of 40 years or over, who is in good health, good mental and physical condition, be deprived of a market for his services? This is the question I am asking all employers to consider carefully.

From the standpoint of the State, the creation of an arbitrary artificial low age barrier affords a serious social problem, and one that is totally unnecessary. From the standpoint of the employer, the creation of an artificial low age barrier necessarily results in an enormous economic waste and must, eventually, bring about additional tax burdens, which are now too great.

The employer who deliberately closes his eyes to the economic and social dangers of this tendency of creating an arbitrary low-age barrier to employment invites trouble. It is far better that men and women earn a livelihood than become a charge on the community. Men and women must be supported somehow. The creation of such a social burden is unnecessary, uneconomic, and unwise.

Mr. DAVIS. Estimates now available and made public during the last few years vary greatly as to the extent of unemployment. I submit a few of these and ask that they be included in my remarks, because they show the nature of this problem.

They are as follows:

(1) Receding Unemployment, Conference Board Bulletin, National Industrial Conference Board, June 10, 1934.

(2) Three Unemployment Estimates, Conference Board Bulletin, December 10, 1934.

(3) Five Years of Unemployment, Conference Board Bulletin, March 10, 1935.

(4) Employment Conditions and Unemployment Relief, Monthly Labor Review, July 1936.

(5) Employment Survey, the New York Sun, May 23, 1936.

(6) Employment Survey, American Federation of Labor, May 1936.

(7) Editorial on Unemployment, the United States News, December 28, 1936.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Conference Board Bulletin of June 10, 1934]

RECEDING UNEMPLOYMENT

Just as the increase in the number of the unemployed was used as a significant measure of the progress of depression, so in recent months the increase in employment, and the consequent reduction in the number of the unemployed, has been heralded as the forerunner of a more complete recovery.

The recession of business activity soon after the stock-market crash of October 1929 brought unemployment on a large scale in its train. As early as April 1, 1930, the unemployed, according to the records of the census of population, already exceeded 3,000,000 persons. As time progressed this number increased until it reached a maximum of over 13,000,000 in March 1933. Fortunately a turn came at that time—employment increased and unemployment receded, with the result that probably 5,000,000 more were at work in April 1934 than in March 1933.

UNEMPLOYMENT ESTIMATES

During this entire period little direct information has been available, except in a few isolated localities, regarding the number of unemployed persons. The figures commonly cited rest largely on estimates, including the estimate by the Department of Commerce for January 1931, based on a special census in certain cities. From time to time the National Industrial Conference Board has made estimates of the number of unemployed persons in the United States. The total unemployed so computed and some of the elements which enter into the estimate are shown in the accompanying table and the diagram based upon it.

In common with other widely quoted estimates those of the Conference Board rest on the enumeration of the Bureau of the Census, April 1, 1930, and the more or less reliable indications of what has happened since that time. The census enumeration of population gave a record of all persons claiming gainful occupations who were not at work in their occupations on the census day. From these figures the number of the employed is determined, and various indications of changes in employment are then used to estimate the amount of employment and conversely of unemployment at later dates. The monthly indexes of employment in manufacturing and nonmanufacturing industries compiled by the United States Bureau of Labor Statistics are the principal sources of information regarding employment changes, and this information can be supplemented in a number of occupations by reliable data from other authoritative official and private sources. But when this material is exhausted there remain broad fields of occupation for which data are entirely lacking or so scanty as to make "estimates" based upon them approach mere "guesses."

Estimates of employment and unemployment [Thousands]

Date	Gainful workers equivalent to those enumerated Apr. 1, 1930		Net increase in workers available for employment	Total unemployed
	Em- ployed ¹	Unem- ployed		
April..... 1930	45,645	3,188	-----	3,188
January..... 1931	42,587	6,245	340	6,586
July.....	41,619	7,213	515	7,728
June..... 1932	38,272	10,561	789	11,350
July.....	37,450	11,383	814	12,197
January..... 1933	37,583	11,250	987	12,237
February.....	37,482	11,350	1,016	12,366
March.....	36,675	12,158	1,045	13,203
April.....	37,509	11,324	1,074	12,398
May.....	37,770	11,062	1,103	12,165
June.....	38,434	10,399	1,132	11,531
July.....	38,577	10,256	1,160	11,416
August.....	39,448	9,385	1,187	10,573
September.....	40,483	8,350	1,214	9,564
October.....	40,741	8,091	1,241	9,332
November.....	40,645	8,187	1,267	9,454
December.....	41,126	7,707	1,294	9,001
January..... 1934	40,791	8,041	1,321	9,362
February.....	41,570	7,262	1,348	8,610
March.....	42,186	6,647	1,374	8,021
April.....	42,327	6,506	1,401	7,907

¹ Includes a certain number of persons, representing 1.5 percent of the gainful workers in 1930, and a similar proportion at later dates, whose status as employed or not employed has not been determined.

The problems involved in unemployment estimates and the conservative course followed by the conference board can best be seen in an account of the procedure adopted by the board in making its estimates. Three points may be considered: (1) The initial figure of the number employed and unemployed in April 1930; (2) the subsequent changes in employment, from the combinations of which the increase in the number of the unemployed gainful workers over those recorded in 1930 is determined; and finally (3) an allowance for those of the new recruits to the normal army of gainful workers who had not found jobs.

INITIAL UNEMPLOYMENT, APRIL 1, 1930

The Bureau of the Census refrained from defining the term "unemployed" but the enumerators were instructed to ask each person reporting a gainful occupation whether or not he, or she, was at work on the preceding day. The returns were classified as follows:

Class A, persons out of a job, able to work, and looking for a job.....	2,429,062
Class B, persons having jobs but on lay-off without pay, excluding those sick or voluntarily idle.....	758,585
Class C, persons out of a job and unable to work.....	172,661
Class D, persons having jobs but idle on account of sickness or disability.....	273,588
Class E, persons out of a job and not looking for work.....	87,988
Class F, persons having jobs but voluntarily idle, without pay.....	84,595
Class G, persons having jobs and drawing pay, though not at work (on vacation, etc.).....	82,335

Total gainful workers not at work..... 3,888,814

In this list the most numerous classes, A and B, obviously belonged among the unemployed, whatever definition might be adopted. There remained about 700,000 in the other classes, some of whom, though not working, had jobs and were to be reckoned among the employed. In order to follow a conservative course, and preferring to estimate too few rather than too many unemployed, the conference board considered only the classes A and B as unemployed, and computed in each field the number of gainful workers reported less these two classes as the number on the pay roll in April 1930. When the first estimate was made for a date later than April 1930, using preliminary census figures, no other course was possible, as details regarding classes A and B only, but not classes C to G, were available by industrial classes. The subsequent publication of these details did not, it was felt, require a reopening of the question. A division of the 700,000 gainful workers into two groups, unemployed and employed, even if there were positive indications where the line of division was to be drawn, would not have materially enhanced the accuracy of the estimates, into which of necessity many conjectural elements had to enter. The starting point of the board's estimate is that in all fields of gainful occupations 45,645,000 persons were on the pay roll in April 1930.

EMPLOYMENT CHANGES

This total was broken down into a large number of industrial groups for the purpose of computing subsequent changes in em-

ployment and conversely in unemployment. In some of these fields there were satisfactory indications of employment changes, in others none. The board has been able to find no satisfactory basis on which to estimate changes from month to month in employment in agriculture, forestry, and fishing, public service and professional service. In the absence of such information it has been unwilling to venture any necessarily arbitrary estimates for these fields of occupation. The unemployment for these fields, which represent approximately one-third of all occupations, has, therefore, been carried as a constant, namely, that recorded by the census for April 1, 1930.

[From the Conference Board Bulletin of Dec. 10, 1934]

THREE UNEMPLOYMENT ESTIMATES

In addition to the estimate by the National Industrial Conference Board, described in the November issue of the Bulletin, there are two widely cited estimates of unemployment in the United States, one prepared by the American Federation of Labor and the other by the Cleveland Trust Co.

The basic material used in the construction of the indexes is in large measure identical for the three computations. This material consists of (1) the results of the special inquiry relating to unemployment made in connection with the returns for occupations in the census enumeration of 1930 and (2) the indexes of employment in manufacturing and other industries compiled by the United States Bureau of Labor Statistics. Since the three estimates are based largely upon the same material, they are substantially similar in their results, as shown in figure 1. (Omitted from the RECORD.)

This similarity is more noticeable for the trend of unemployment than for its amount at any given time. The general picture of the movement of unemployment is the same, though its level is not identical in all the estimates. These differences arise from the fact that the basic materials for the computation, though abundant, are far from complete. They must at various points be supplemented by the judgment of the estimator. It is natural that differences of practice should arise, for example, regarding what classes, for whom no direct information is available, should be assumed to remain constant in employment and what classes should be assumed to vary in employment in the same degree as the immediate group to which they belong or as all definitely ascertained groups. Again, all estimates recognize that the ranks of the unemployed have been augmented by the contingent of new workers produced by the growth of population in excess of those who have dropped out of the competition for jobs by reason of death or infirmity. Methods of allowing for these new workers may differ. In short, it is differences, not in basic facts, but in the interpretation of those facts that determine the different levels that appear in the several estimates of unemployment.

All these estimates are built up on the basis of information, and sometimes by conjecture, regarding individual industries and branches of industry. The National Industrial Conference Board and the American Federation of Labor have from time to time published data regarding the extent of unemployment for certain industrial groups. But particular interest attaches to the findings of the Cleveland Trust Co. which distinguish the amount of unemployment in construction, in other durable-goods industries, in consumption-goods industries, and in activities that provide services. These distinctions are shown in figure 2. (Omitted from the RECORD.)

The division of the workers into the classes shown in the diagram was made on the basis of a careful analysis of the distribution of occupations in 1930. For subsequent periods estimates are based upon the indexes of employment and a distribution, necessarily hypothetical, of the new workers to the several classes.

The diagram shows the large number of unemployed in the construction- and durable-goods industries in contrast, for example, with consumption-goods industries, but does not bring out the relation of the unemployed to the total number of gainfully occupied in these industries. Through the courtesy of Col. Leonard P. Ayres, of the Cleveland Trust Co., we are permitted to publish the figures in the accompanying table showing for significant dates the proportion that the unemployed bear to the total number of persons, both employed and unemployed, credited to the industry.

The unemployed as a percentage of the workers in industry
[Source: Cleveland Trust Co.]

Year and month	All gainful workers	Construction	Other durable goods industries	Consumption goods industries	Industries providing services
1930					
April.....	6.8	19.2	15.7	3.1	4.6
July.....	8.8	10.8	22.6	4.9	6.9
1931					
January.....	16.8	47.9	34.6	7.4	12.7
July.....	17.5	31.3	39.2	8.6	14.8
1932					
January.....	23.8	57.1	47.8	11.1	19.8
July.....	28.5	52.4	55.7	15.7	25.1
1933					
January.....	30.0	63.3	58.8	13.5	27.1
March.....	31.8	65.2	60.0	14.3	29.6
July.....	27.3	57.4	50.8	10.2	27.0
1934					
January.....	25.0	54.9	47.1	10.2	23.4
March.....	22.5	54.9	41.4	7.9	21.5
August.....	22.2	45.5	41.8	8.6	21.7

The table indicates that when unemployment was at its maximum, in the early months of 1933, about 30 percent of all gainful workers were out of work. In the industries producing durable goods other than construction the proportion rose to double this figure, and was even greater in the construction industry. While in industries furnishing services the proportion of the unemployed approached the average of all gainful workers, it fell in industries producing consumption goods to about half the general average.

Since that period there has been considerable improvement, but over two-fifths of the workers in the durable-goods industries were still out of work in August 1934, while the proportion in the consumption-goods industries was less than one-tenth.

[From the Conference Board Bulletin of Mar. 10, 1935]

FIVE YEARS OF UNEMPLOYMENT

The total number of unemployed workers in January 1935 was 10,142,000, according to the latest estimate made by the National Industrial Conference Board. From time to time the board has attempted to calculate the amount of unemployment in the United States, and in table 1 are presented revised estimates by months, covering the entire period from April 1930 to January 1935.

Since 1930 available information concerning unemployment in various fields of activity has improved in quality and has been greatly extended; hence, it has been necessary in many cases to revise the figures for the earlier dates. In the figures now presented, for example, the board has availed itself of the various revisions by the Bureau of Labor Statistics in indexes of employment previously issued. In making its estimates the conference board takes into account three factors: (1) The 3,188,000 persons unemployed, able and willing to work, enumerated in the April 1930, census; (2) the net decline in employees on pay rolls since that time; and (3) the estimated net increase in workers available for employment since the census date.

In reviewing the entire record of unemployment as it is presented in table 1, it must be remembered that it was preceded by the boom which ended in 1929. Except for about a million workers in transition between jobs, or sick, disabled, or voluntarily idle, employment was practically universal during that year.

TABLE 1.—Revised unemployment estimates, by months, 1930–35
[In thousands]

	1930	1931	1932	1933	1934	1935
January.....	6,667	9,996	12,755	10,538	10,142
February.....	6,794	10,103	12,782	9,873	.....
March.....	6,799	10,293	13,300	9,394	.....
April.....	3,188	6,661	10,754	12,993	9,318	.....
May.....	3,245	6,842	11,090	9,201	.....
June.....	3,678	7,165	11,596	9,252	.....
July.....	4,321	7,673	12,152	11,584	9,826
August.....	4,590	7,939	12,207	10,731	9,990
September.....	4,502	8,044	11,850	9,920	10,217
October.....	4,777	8,473	11,691	9,924	9,908
November.....	5,404	9,001	11,996	10,398	10,065
December.....	5,674	9,182	12,113	10,334	9,740
Annual average.....	3,175	7,603	11,320	11,621	9,777	.....

¹ United States Census of Unemployment, classes A and B.

² 9 months.

TABLE 2.—Unemployment, by industrial groups, at specified dates
[In thousands]

Industrial group	April 1930 ¹	March 1933 ²	January 1934 ³	December 1934 ²	January 1935	Percentage increase, April 1930 to January 1935
Mining.....	189	556	454	419	424	124.3
Manufacturing and mechanical.....	1,535	6,218	4,338	3,874	3,869	152.1
Transportation.....	283	1,509	1,383	1,386	1,398	394.0
Trade.....	295	1,705	1,148	655	1,063	260.3
Domestic and personal service.....	245	1,371	1,083	1,012	957	290.6
Industry not specified.....	345	602	515	483	494	43.2
Other industries ²	296	296	296	296	296	0
All industries.....	3,188	12,255	9,217	8,125	8,500	166.6
Allowance for new workers since 1930 census.....	.....	1,045	1,321	1,615	1,642	.....
Total unemployed.....	3,188	13,300	10,538	9,740	10,142	218.1

¹ Census of Unemployment.

² Revised.

³ This group includes agriculture, forestry and fishing, public service, and professional service. The numbers given are the unemployed in 1930, satisfactory data being unavailable from which later changes in unemployment can be computed.

The collapse of the stock market in October 1929 was the first major sign of the depression, and by April 1930, when the census of unemployment was taken, the reported unemployed numbered 3,187,647. These unemployed formed 6.5 percent of the total

¹ Reported by the census as class A, persons out of a job, able to work and looking for a job; and class B, persons having jobs but on lay-off without pay, excluding those sick or voluntarily idle.

number of 48,829,000 gainful workers in the United States. Subsequently, the Secretary of Commerce put the number of jobless at 6,050,000, based on a sample census in January 1931. In September of that year the National Industrial Conference Board made the then startling announcement that unemployment, according to its own conservative estimates, had passed the 7,000,000 mark in midsummer.

The peak of unemployment, according to the conference board's estimates, occurred in March 1933, at the time of the banking crisis, with a total of 13,300,000. From that high point, then, the board's present estimate shows a decline of 3,158,000, or 23.7 percent.

This latest estimate of unemployment indicates an increase in the number of unemployed over December 1934 of 402,000, or 4.1 percent, due mainly to the quieting down of business activity in the distribution field after the Christmas holiday season. This is shown in table 2. Further, unemployment in trade increased 408,000; in transportation, by 12,000; in mining, by 5,000; in miscellaneous industry, by 11,000. A decrease in unemployment, however, is shown in the increase of employment of 5,000 in manufacturing and mechanical industry and 55,000 in domestic and personal service.

Nevertheless, there was a slight improvement in the unemployment situation during 1934. Compared with January 1934, unemployment in January 1935 showed a decline of 11.6 percent in domestic and personal service, 10.8 percent in manufacturing and mechanical industries, 7.4 percent in trade, 6.6 percent in mining, and 4.1 percent in miscellaneous industries. In transportation, however, unemployment rose 1.1 percent during the year. In total unemployment the month of January 1935 shows a drop of 396,000, or 3.8 percent, from the same month last year.

Finally, while it is true that the number of unemployed in manufacturing and mechanical industries far exceeds that in any other division, the proportionate increase from April 1930 to January 1935 was greater in some other fields.

[From the Monthly Labor Review for July 1936]

EMPLOYMENT CONDITIONS AND UNEMPLOYMENT RELIEF

YOUTH ON RELIEF¹

Of approximately 18,067,000 persons on relief in the United States in May 1935, 2,876,800 or 15.9 percent were 16 to 24 years of age. Of these young people, 60 percent were classified as urban and 40 percent as rural. Approximately two-thirds of the 1,726,800 urban relief youth, both white and colored, were working or seeking employment in May 1935; 675,200 or nearly 80 percent of the males and 467,500 or 53.0 percent of the females fell in this class.

Urban young people on relief

From the following table it will be noted that of 1,142,700 urban young persons working or seeking employment in May 1935, more than three-quarters (876,000) had work experience. Of those who had such experience, 40.9 percent of the females and 38.4 percent of the males were unskilled workers. While 84.4 percent of the colored youth working or looking for jobs had worked before, the percentage of colored youth whose work experience was of the unskilled type was 68.0 as compared to 32.0 percent of the white youth in that class.

Estimated urban relief youth, 16 to 24 years of age, classified according to employment status, work experience, occupational group, sex, and race, May 1935²

Employment status and work experience	Total	Sex		Race	
		Male	Female	White	Negro and other
All young people covered.....	1,726,800	845,100	881,700	1,413,700	313,100
Not working and not seeking work.....	584,100	169,900	414,200	480,700	103,400
Working or seeking work.....	1,142,700	675,200	467,500	933,000	209,700
Never worked.....	286,700	133,700	153,000	234,000	52,700
With usual occupation.....	876,000	541,500	334,500	699,000	177,000
Professional, proprietary, and clerical and kindred workers.....	197,800	112,300	85,500	184,500	13,300
Skilled workers.....	54,900	53,600	1,300	50,500	4,400
Farm operators.....	1,200	1,200	(³)	1,100	100
Semiskilled workers.....	277,700	166,700	111,000	238,900	38,800
Unskilled workers.....	344,400	207,700	136,700	224,000	120,400

¹ The figures in this table are estimated from sample studies; therefore the numbers of less than 10,000, since they constitute only a fraction of 1 percent of the total, are subject to large margins of error.

² Fewer than 50 persons.

One-half of the 584,100 urban youth on general relief who were not at work or seeking employment were attending full-time school; the other half were not at work, nor looking for employment nor attending school full time. In the nonworking group,

³ Data are from Works Progress Administration, Research Bulletin, Series I, No. 16: Statistics of Youth on Relief, Washington, 1936. (Mimeographed.)

89.7 percent of the males but only one-third of the females were reported as attending school at the date under review. The remainder of the girls and young women were, for the most part, in the age group 18-24, and were living at home, often caring for dependent children.

The urban people on relief in the age group 16-24 who were not working nor looking for work and were physically handicapped numbered 40,700, of whom seven-tenths were females.

Of the 1,726,800 urban youth on the relief rolls, 27.3 percent were married, and approximately 31.4 percent of those who were married were heads of families. The percentage of unmarried young persons in the urban relief group who were family heads was very small, but nearly all married male urban relief youths were family heads. Of 152,800 urban youth who were family heads, 97 percent were married, and an estimated 84 percent of this married group were employable.

Because of the difficulties in defining "unemployable", female heads of families were not tabulated separately as "employable" or "unemployable." It is probable that a great majority of the female family heads were not able to work, since a considerable number of them had the care of dependent children or other family responsibilities.

It is also estimated that of all urban relief youth, slightly over 45 percent had more than an eighth-grade education. Estimates for corresponding educational attainment by the following groups of the urban youth relief population are: White youth, 48.6 percent; colored youth, 30.2 percent; female youth, 48.7 percent; male youth, 41.6 percent.

Rural relief youth

In May 1935 a very large proportion (72 percent) of the 1,150,000 rural youth on general relief were residents of the open country. Females constituted a slightly larger percentage of the young people on rural relief than males. Approximately 10 percent of the total relief youth were household heads and 21 percent were attending full-time school. More than half (627,000) of the rural relief youth were working or seeking work, but 13 percent of the males in this group and 36 percent of the females had never been employed as long as 4 consecutive weeks in any occupation.

Unskilled labor was predominant in the occupational experience of the rural relief young people who had been employed. Of the total rural male relief youth who had work experience, 11 percent had been farm operators. The work experience of 18 percent of rural female youth on relief was in domestic and personal service.

Transient youth under care

Approximately 20 percent of 273,820 persons who were receiving assistance as transients in May 1935 were 16-24 years of age, while the percentage of youth in the relief population at that date was estimated as 15.9. Nearly nine-tenths of the 54,480 transient young persons under care were white and nearly three-fourths were males.

Almost all (94.4 percent) of the unattached transients in the 16-24 age group were single, and practically all the male heads of young transient family groups were married and living with their wives.

"Since the absence of a male head is implied in the classification of family groups with female heads, it is not surprising that three-fourths (74 percent) of these female heads are either single, divorced, widowed, or permanently separated.

"One of the numerically small but particularly serious problems of relief youth shows up in the female transient youth population. Of the unattached, as many as 15 percent are married, while 20.3 percent are widowed, divorced, or separated. And of the female family heads only 26.0 percent are married and living with their husbands; 20.8 percent are single; and the remainder, 53.2 percent, are widowed, divorced, or separated."

Only 61.3 percent of the youths receiving transient care reported a usual occupation and 76.7 percent of those thus reporting were semiskilled or unskilled workers.

A majority of the persons 16-24 years of age registering at the transient agencies had been wandering for less than 6 months but 17 percent of them had been on the road for 15 months or longer. The unattached youth and the youth in family groups had been transients for approximately the same length of time.

Slightly over one-half of the unattached transient youth had more than a grammar-school education but only 3 percent had progressed beyond the high-school level. Only 31 percent of the Negroes as against 54 percent of the whites had gone beyond grammar school.

Youth in Civilian Conservation Corps camp

At the time of the survey (May 1935) over a quarter of a million (270,500) male youth were in C. C. C. camps, of whom 92.7 percent were white.

THE TRANSIENT UNEMPLOYED

The only solution of the problem of depression transients is through an adjustment of this mobile labor supply to the requirements of those sections which need workers. Resettlement and stability, however, depend upon economic opportunity. Consequently "it seems highly probable that the dissolution of the transient population will proceed only as rapidly as business and industry can provide the employment essential to stability. To whatever extent this provision falls short the transient problem will remain unsolved." These are the conclusions reached in an

analysis of the characteristics of jobless transients on relief recently issued by the Federal Works Progress Administration.¹

Under the Federal Emergency Relief Act of May 1933 special provision was made for transients, defined as unattached persons or family groups that had not resided for 1 continuous year or longer in the boundaries of the State at the time of application for relief. It was this group that formed the subject of this special study. The analysis covers the movements of these wanderers, their reasons for migration, and the problems connected with their reabsorption into private industry.

In the fall and winter of 1930 reports from municipal lodgings, missions, and shelters in metropolitan districts indicated that as compared with preceding years the number of homeless men seeking aid was increasing at a rapid rate. At approximately the same period States in the South and West became anxious concerning the inflow of needy persons from other parts of the country.

As these migrants of the depression were almost constantly in motion, it was not possible to determine their number. According to estimates presented at congressional hearings on relief legislation, there were between one and one-half and five million. It was found, however, that such estimates greatly exceeded the number of persons cared for under the transient relief program. These overestimates resulted largely from the inclusion in the term "transient" of all homeless individuals, whether or not they had a legal residence, and also from estimating the total number of transients from observations in localities in which the number of transients was greatest.

Based on careful examination of registrations, the maximum of the transient relief population during the period in which the transient relief program was in operation is estimated as 200,000 unattached persons and 50,000 family groups. Because of the everchanging membership of this population it is considered likely, however, that the number of individuals and family groups aided by transient bureaus at some period was double or triple these estimates.

The personal and occupational characteristics of these depression migrants were ascertained by studying the monthly registrations in 13 representative cities. Among the significant findings in this connection are:

(1) About two-thirds of the unattached individuals and one-half of the family group heads were between the ages of 16 and 35 years.

(2) The unattached women did not exceed 3 percent of the transients in any month, but about 15 percent of the heads of family groups were women.

(3) Native white persons constituted the great majority of transients, Negroes representing only about one-tenth of the monthly registrations, and foreign-born whites only about one-twentieth. In the transient relief population the percentage of native white persons was greater, the percentage of foreign-born whites less, and the percentage of Negroes approximately the same as in the general population.

(4) Only 2 percent of the unattached transients and 3 percent of the heads of transient families had had no formal education. About two-thirds of both groups had a grade-school education or more.

(5) Approximately 95 percent of the unattached transients were reported as employable and as expressing willingness to work. A similar report was made for 90 percent of the heads of families.

(6) Broad classifications of ordinary occupations disclose that the percentage of unskilled and semiskilled workers in the tran-

sient relief population was greater than the percentage of such workers in the general population or in the resident relief population.

(7) The most common reason for the wandering of these depression migrants was unemployment. Other important reasons were ill health, the desire for adventure, domestic difficulties, and insufficient relief.

(8) The unattached transients in the relief population of the United States as a whole came for the most part from States to the east of the Mississippi River and transient families from States to the west of that river.

(9) According to registrations in 13 representative cities, about 80 percent of the unattached transients and 70 percent of transient family groups came from urban centers with a population of 2,500 or more. Transients from rural sections came more frequently from towns of less than 2,500 population than from the open country and farms.

(10) The heaviest and most constant net gains in population as a result of the migration of transients were reported by States in the western and southwestern parts of the country, while the heaviest and most constant net losses were reported by States in the eastern, southeastern, and west central regions.

The findings of the report indicate that transiency was due in large part to two circumstances; i. e., extensive unemployment and the mobility of the population. The problem of relief presented by transients was the outcome of another factor—legal settlement or residence as a prerequisite for public or private relief in any community.

"Except for the fact that they were nonresidents, there seems little reason for considering transients as a distinct and separate group in the total relief population. Although they could be distinguished from the resident unemployed, it was principally because they were younger, and included a greater proportion of unattached persons. Actually the transient population represented the more active and restless element among the great number of unemployed created by the depression. Migration offered an escape from inactivity; and in addition, there was the possibility that all communities were not equally affected by unemployment."

The movement of a substantial part of this transient relief population seems to have been wasted effort. Much of this migration was away from urban centers, which, from the viewpoint of economic progress, were probably more able to provide employment than were the localities to which the transients were attracted. Upon the recovery of business and industry "it may be expected that many of the depression migrants will return to areas similar to the ones they left."

INCREASE IN EMPLOYMENT AMONG LIBRARIANS IN 1935

In 1935 the number of unemployed librarians was less than in any year since 1931, according to a report in part I of the January 1936 issue of the Bulletin of the American Library Association. In November 1935, 34 library schools reported that 685 unemployed graduates who had had at least a full year of library science education were seeking positions. This number was about 33 percent below that reported in 1934 by 31 library schools and about 40 percent less than that reported in 1933 by 31 library schools. "In addition, a number equivalent to those graduating from library schools in the years 1934 and 1935, approximately 2,000 have also been placed."

Almost all of the library schools stated that the placement of 1935 graduates was more rapid than that of any classes since 1930.

Approximately one-third of the librarians who were not employed and were looking for positions at the time of the report completed their library course in 1932 or 1933, when there were almost no opportunities for employment in libraries.

[From the New York Sun, Saturday, May 23, 1935]

The Sun's employment survey showing returns and basis of comparisons

NOTE.—Beginning with this, the fourth report, the arbitrary allotment of 90 percent of 4,025,000 clerical workers to industry, trade, and transportation on a basis of 45, 35, and 10 percent, is abandoned. Clerical workers are now apportioned on the basis of the 1930 United States census, 2,996,000 being credited to industry, trade, and transportation; a majority of the remaining 1,000,000 clerical workers are Government employees

Fields of employment	Employables, 1929 (not necessarily holding jobs), based on United States census	Employables, 1936, figures based on census averages	Employment 1929 by companies reporting to the Sun	Employment 1935 by companies reporting to the Sun	Percent employment by companies in 1935, compared to 1929	Total employed in 1935, based on 1935 percentage applied to 1929 total	Total unemployed, 1935, based on 1935 unemployed plus addition of new workers since 1930
Mechanical and manufacturing industries including clerical workers.....	15,344,000	16,014,000	3,154,078	2,949,740	93.5	14,346,640	1,678,740
Trade, including clerical workers.....	7,425,000	7,752,000	568,300	622,909	109.6	8,167,800	None
Extraction of minerals.....	1,880,000	918,000	239,752	174,522	72.8	640,640	278,420
Transportation and communication including clerical workers.....	4,369,000	4,539,000	2,479,066	1,738,143	70.1	3,062,669	1,499,461
Total.....	28,018,000	29,223,000	6,441,096	5,485,143	-----	26,217,749	2,345,621

¹ A class of 100,000 oil and gas operatives is included in mechanical industries.

² When the 383,000 extra workers absorbed by trade are subtracted from 3,456,600 the net unemployed figure is 3,073,600.

Fourth report of the employment survey listing 300,000 additional workers (324 companies reporting)

[Employees in 1929, 335,430; employees in 1936, 313,260]

EMPLOYEES BY CLASSES

	1929	1935
Industry.....	217,314	212,443
Trade.....	33,181	34,772
Transportation.....	31,619	34,627
Mining.....	53,316	31,418

MANUFACTURING AND MECHANICAL

[* Indicates figures are of current date]

Company	Average number of employees for year 1929	Average number of employees for year 1935
Aberfoyle Co., Chester, Pa. (For the month of June each year.)	1,986	1,497
Aircraft Plywood, Seattle	65	300
American Beverage	139	202
American Car & Foundry	8,029	4,454
American Hardware Co.	4,390	2,766
American Shipbuilding	1,176	555
Bakelite Corporation	625	*1,009
Baldwin-Duckworth Chain Corporation	451	405
Bevin Bros., Connecticut	115	85
Bienville Lumber, Mississippi	300	None
Boyd-Welsh, St. Louis	579	372
Buffalo Brake Beam	321	1,328
Buffalo Electro-Chemical	73	106
Buffalo Weaving Co.	200	150
Carlisle Hardware	72	67
Catalin Corporation of America	30	200
Celluloid Corporation	1,400	1,550
Charter Oak Stove, St. Louis	209	*131
Colt's Patent Fire Arms	1,559	1,849
Commercial Bookbinding, Ohio	202	327
Consolidated Aircraft, San Diego	700	1,800
Cooper-Bessemer Corporation ¹	2,137	859
Detroit Steel Casting	302	252
Dodge Cork Co., Pennsylvania	138	152
Eby Shoe Co., Pennsylvania	437	317
Eppinger & Russell	249	245
Erwin Mills, Durham	2,994	5,147
(These figures are included in textile group total.)		
Escanaba Paper Co., Michigan	240	290
Falstaff Brewery, St. Louis	None	450
J. A. Fay & Egan, Cincinnati	320	90
Flock Brewing, Pennsylvania	10	50
Friehofer Baking, Philadelphia	1,702	1,592
Frintz-Blederman, Cleveland	376	368
Charles Gulden	68	68
Hartford Steel Ball	25	40
Hazel-Atlas Glass, West Virginia	4,375	7,020
George A. Hormel, Austin, Minn.	2,789	3,587
J. D. Lacey Lumber, Chicago	45	7
Larsen Baking, Brooklyn	239	322
Little, Brown & Co.	240	172
Lydia Cotton Mills, South Carolina	400	400
(These figures are included in the textile group.)		
George A. Lowe, Ogden, Utah	118	69
Manning, Bowman, Connecticut	561	560
Meadow River Lumber, Wisconsin	600	400
Minneapolis, Honeywell Regulator	1,125	1,300
Mission Dry Corporation, California	102	144
National Cash Register Co.	8,094	5,328
New England Butt Co.	225	124
N. Y. Car Wheel Co.	220	140
New York Herald Tribune	1,471	1,640
Nonquitt Mills, Massachusetts	218	276
(These figures are included in the textile group.)		
North American Creameries, Minnesota	442	379
Ohio Steel Foundry	840	*775
Otis Co., New York	2,000	1,700
Parker Pen Co.	764	824
Pilgrim Mills, Fall River	439	669
(These figures are included in the textile group.)		
Queen City Cotton, Vermont	500	605
(These figures are included in the textile group.)		
Quisset Mill, Massachusetts	375	400
(These figures are included in textile group total.)		
Raytheon Manufacturing Co.	848	1,097
Reece Folding Machine	25	27
Regal Shoe Co. (factory)	580	634
Republic Rubber	549	816
Rockwood & Co.	636	1,222
Royal Typewriter Co.	4,250	*6,350
Santa Cruz Portland Cement	322	240
Snider Packing Co.	*3,713	*5,255
Springfield (Ill.) Borter Co.	122	78
Standard Phosphate, Baltimore	368	455
Star Woolen Co., Cohoes	110	126
Stewart-Warner Corporation	6,835	4,668
B. F. Sturtevant, Boston	969	899
Swan-Finch Oil Corporation	139	142
Sweet-Comings Co., Vermont	130	178
Taber Mill, New Bedford	477	478
(These figures are included in the textile group.)		
Thunder Lake Lumber, Wisconsin	160	263
Towle Manufacturing Co.	347	259

¹ Includes subsidiary, Acme Steel & Malleable Iron.

² Of May 15, 1936, Cooper-Bessemer employs 1,840.

³ A seasonal business, peak figures cited.

Fourth report of the employment survey listing 300,000 additional workers (324 companies reporting)—Continued

MANUFACTURING AND MECHANICAL—continued

[* Indicates figures are of current date]

Company	Average number of employees for year 1929	Average number of employees for year 1935
M. H. Treadwell, Easton, Pa.	428	*335
Trumbull Electric	580	*466
Valley Agricultural, California	840	*595
Vascoloy-Ramet	*None	58
Vulcan Corporation, Portsmouth, Ohio	979	1,290
Walton Lumber, Everett, Wash.	305	*325
S. D. Warren Co., Boston	1,720	1,650
West Disinfecting	633	725
West Point Manufacturing Co.	4,081	5,782
(These figures are included in the textile group.)		
Whiten Machine Works, Massachusetts	1,823	2,650
Wisner Manufacturing Co.	32	17
A Buffalo company	130	100
An Illinois company	368	219
A New York manufacturer	702	764
A Kentucky manufacturer	1,121	954
A New York manufacturer	450	375
A New York company	575	1,200
A Massachusetts mill	2,210	2,339
(These figures are included in textile group total.)		
A New York company	1,419	1,456
A Massachusetts company	200	200
A New York company	138	121
A Chicago manufacturer	713	1,008
A Pennsylvania corporation	2,179	1,732
A durable-goods company	1,010	635
A Pennsylvania company	42	58
A Connecticut company	399	385
A Massachusetts company	1,541	1,706
A Pennsylvania durable-goods corporation	4,000	1,200
A New York company	1,100	1,120
A Spokane company	70	78
A Georgia manufacturer	970	*697
A Massachusetts company	332	250
Do.	1,120	980
A Connecticut company	290	*272
A Boston company	310	256
An Illinois company	422	332
A Massachusetts company	125	110
Do.	459	291
A manufacturer	None	3,791
A Pennsylvania company	1,850	*2,200
A Connecticut company	87	*86
A New Jersey company	20	50
A Michigan company	632	508
A Massachusetts company	516	*478
A Connecticut company	1,439	2,085
A Massachusetts company	254	74
A Connecticut company	160	110
A Minnesota company	3,327	3,315
A New York company	1,565	1,987
An Oregon company	250	500
An industrial corporation	20	1,124
A Utah company	353	370
A New York company	250	*770
A New Jersey company	100	100
A heavy-goods house	1,800	875
A Pennsylvania company	429	290
An Indiana company	358	497
A Philadelphia company	392	352
A Pennsylvania company	441	*882
A Wisconsin company	72	57
A New York manufacturer	570	608
A Rhode Island company	1,000	870
A Pennsylvania company	1,330	631
A New York company	795	778
Do.	1,465	2,891
A Cleveland company	168	80
A Connecticut company	111	111
A New Jersey company	None	18
A New York company	842	508
Do.	703	*1,264
A Pennsylvania company	30	14
A Philadelphia company	340	259
A durable-goods plant	1,215	747
A Pennsylvania company	1,383	1,459
A Rhode Island company	594	686
A Pennsylvania corporation	1,258	1,307
A New England manufacturer	1,641	1,725
A New Jersey manufacturer	822	802
A Pennsylvania company	1,708	1,517
A New York manufacturer	1,556	625
Do.	683	649
A manufacturer	5,391	5,485
A New York company	450	530
A manufacturer	16,115	17,450
A durable goods manufacturer	1,173	767
A Wisconsin manufacturer	900	734
A manufacturer	1,800	*None
A Connecticut company	545	*480
A New York company	941	1,466
A Connecticut company	513	432
A Maryland company	310	250
A Massachusetts company	183	47

⁴ These figures for Plainville, Conn., plant only.

⁵ These figures are for peak seasonal operations.

⁶ Company started Sept. 1, 1933.

⁷ This company has ceased manufacturing. Figures for remaining clerical and executive staff not given.

Fourth report of the employment survey listing 300,000 additional workers (324 companies reporting)—Continued

MANUFACTURING AND MECHANICAL—continued

[* Indicates figures are of current date]

Company	Average number of employees for year 1929	Average number of employees for year 1935
A Kentucky company.....	550	75
A durable-goods manufacturer.....	125	35
A Michigan company.....	2,156	3,291
A Pennsylvania company.....	185	155
A Scranton company.....	988	812
A Pittsburgh company.....	864	600
A New York durable-goods plant.....	900	575
A New England manufacturer.....	3,200	2,300
A St. Louis company.....	550	550
An Illinois company.....	13,878	15,292
A Missouri company.....	807	693
A durable-goods plant.....	7,339	5,377
A Chicago company.....	2,950	2,300
A Chicago manufacturer.....	1,000	600
A Boston company.....	1,139	1,108
A New York corporation.....	260	182
A Michigan company.....	400	225
A Lynn, Mass., company.....	120	77
An Ohio manufacturer.....	103	*141
A Cleveland manufacturer.....	507	411
A North Carolina company.....	232	182
(These figures are included in the textile group.)		
A Massachusetts mill.....	1,578	804
(These figures are included in the textile group.)*		
A Massachusetts company.....	439	283
(These figures are included in the textile group.)		
A California durable-goods plant.....	225	175
A Memphis manufacturer.....	110	80
A durable-goods plant.....	1,110	650
A New England manufacturer.....	2,672	2,435
Do.....	4,883	5,332
A Boston manufacturer.....	4,386	4,495
A Massachusetts manufacturer.....	3,435	3,110

TRADE

A. B. C. Cigar, San Francisco.....	55	50
American City Bureau, Chicago.....	36	28
D. Appleton-Century.....	* 208	211
Ashcraft-Wilkinson, Atlanta.....	29	29
Bank of California.....	230	218
(These figures are for home office only.)		
Barrymore Clothes, Inc.....	3	3
Becker Mercantile, Arizona.....	10	9
Behrens Drug Co., Waco.....	68	58
Bellevue Chemical, Brooklyn.....	1	4
F. E. Berry, Jr., & Co.....	45	15
Bornot, Inc., Philadelphia.....	250	500
Brewster & Son, Inc., New Jersey.....	14	13
Bristol & Willett, New York.....	23	25
Capital National Bank, Sacramento.....	40	55
Capital Supply, Kalamazoo.....	12	11
Central Bank, Des Moines.....	50	65
Chas. G. Chrystal, Inc., New York.....	20	21
Cincinnati Realty Co.....	493	370
Clover Splint Coal Co.....	314	328
Commercial Credit Co.....	2,281	* 2,592
Corbett Bros. Co.....	101	57
D. L. & W. Coal Co.....	323	328
Dime Bank, Hartford.....	8	10
Farmers-Merchants Bank, Los Angeles.....	218	277
Fashion Co., Columbus, Ohio.....	271	294
Flint & Horner.....	110	* 73
First National Bank, Colorado Springs.....	47	45
First National, Lincoln, Nebr.....	120	85
Fort Worth National Bank.....	156	167
Hale Desk Co.....	107	65
Hammond Standish, Detroit.....	582	338
Industrial Corporation, Baltimore.....	8	12
R. H. Johnson & Co.....	6	23
Keith Equipment, Chicago.....	7	8
Koupal & Barstow, Nebraska.....	7	6
Kronfeldt & Karlin.....	5	5
Lawyers County Trust.....	167	205
Louisville Public Warehouse.....	73	95
Mercantile-Commerce Bank.....	783	* 731
D. F. Munroe Co., Boston.....	43	47
McDougal-Butler, Buffalo.....	73	64
New York State National, Albany.....	143	* 107
Onondaga Broadcasting.....	12	33
Pennsylvania Illuminating Co.....	29	28
Phelps Publishing, Massachusetts.....	153	166
Pueblo (Colo.) Savings & Trust.....	22	22
Pulp & Paper Trading.....	16	16
St. Paul Coal Co.....	1	1
Sanger Bros., Dallas.....	741	685
San Francisco Bank.....	147	209
Shaffer Stores, Altoona.....	430	* 400
Showers Bros., Indiana.....	2,150	1,475

* Of June 1, 1933, date of consolidation.

* Includes 30 employees who formed new investment company.

* Of the 36 fewer employees all but 1 were pensioned or placed in other employment.

* 12 less stores than in 1929.

Fourth report of the employment survey listing 300,000 additional workers (324 companies reporting)—Continued

TRADE—continued

[* Indicates figures are of current date]

Company	Average number of employees for year 1929	Average number of employees for year 1935
Silesian-American.....	3	3
State Street Research, Boston.....	12	17
Stone & Co.....	11	5
The New Yorker.....	103	* 139
Thrift, Inc., Evansville.....	8	8
Triple State Electric, West Virginia.....	32	23
Topics Publishing Co.....	30	57
Union National Bank, Houston.....	105	* 87
United Business Service, Massachusetts.....	40	100
United States Advertising.....	148	119
United States National Bank, Portland, Oreg.....	335	* 529
J. Weingarten, Houston.....	335	495
R. C. Williams & Co.....	436	487
A holding company.....	38	14
An Ohio company.....	2,677	2,643
An Ohio company.....	* 612	967
A New England store.....	300	297
An Illinois company.....	3,445	2,874
A California bank.....	12	28
A New England store.....	954	965
A Toledo company.....	42	47
A Baltimore company.....	129	280
An Illinois bank.....	115	93
A Pennsylvania bank.....	458	403
A Massachusetts company.....	10	10
A Baltimore company.....	62	54
A southwestern bank.....	81	54
A New York company.....	2,350	2,407
A Texas bank.....	103	72
A trading company.....	2,330	3,106
A national company.....	50	1,037
A New York company.....	269	658
A trading company.....	130	121
A company in Washington State.....	496	677
A Texas company.....	29	29
A New York city concern.....	12	13
A Los Angeles company.....	459	596
A Massachusetts company.....	18	10
Do.....	358	363
A New York company.....	170	175
A Cleveland company.....	168	158
A Los Angeles company.....	221	330
Do.....	54	79
A New York company.....	200	117
A San Francisco company.....	653	* 623
9 small companies.....	26	29
A New York company.....	25	24
A Pacific coast bank.....	262	442
A Kansas bank.....	76	68
A Missouri concern.....	449	* 483
A Seattle concern.....	759	604
A New York house.....	6	4
A New York wholesaler.....	154	247
A New York house.....	42	12
A New York bank.....	61	66
A Rhode Island bank.....	64	55
A Boston company.....	56	62
A Jersey City company.....	20	17
A Kansas City company.....	1,300	775

TRANSPORTATION AND COMMUNICATION

Brooklyn-Manhattan Transit.....	7,326	6,310
East Massachusetts Street Railway.....	1,955	1,654
Independent Subway.....		4,055
(Independent Subway was being built in 1929.)		
Interborough Rapid Transit.....	16,525	15,562
United States Freight Co.....	3,164	4,590
Western Transport, Oregon.....	100	130
Yellow Cab, San Francisco.....	725	700
A southern company.....	1,624	1,626

EXTRACTION OF MINERALS

Davidson Ore Mining.....	150	60
Island Creek Coal Co.....	2,781	2,934
(These were given in a previous report as for Pond Creek Pocahontas Coal.)		
Jamison Coal and Coke.....	1,115	1,244
Pond Creek Pocahontas Coal.....	438	1,369
(In a previous report Island Creek Coal Co.'s figures were given as of Pond Creek Pocahontas.)		
A mining company.....	18,665	10,697
Do.....	300	15
Do.....	1,356	846
Do.....	31,910	18,556

* As of May 18, 1929, and May 16, 1936.

* Figures for 1928, those of 1929 not available.

* Figures for current date, 1930 and 1936.

Fourth report of the employment survey listing 300,000 additional workers (324 companies reporting)—Continued

DOMESTIC AND PERSONAL SERVICE

[* Indicates figures are of current date]

[The Sun cannot make comparisons in this field which takes in all family employees as well as those of hotels, restaurants, etc. It gives, however, the following list to provide an idea of the trend of employment in hotels]

Company	Average number of employees for year 1929	Average number of employees for year 1935
A Massachusetts hotel.....	90	118
A Midwestern hotel.....	317	*337
A Pennsylvania hotel.....	325	260
A Texas company.....	98	73
An Indiana company.....	749	566
Bowman-Biltmore Corporation.....	1,723	1,265
Community Hotel Corporation, Seattle.....	302	328
Dinkler Hotels, Atlanta, Ga.....	1,046	1,008
Edgewater Beach Hotel.....	659	621
Hotel Harrington, Port Huron, Mich.....	65	55
Kahler Corporation, Rochester, Minn.....	829	746
Oklahoma Biltmore.....	None	250
Providence Biltmore Hotel.....	468	465
The Drake, Chicago.....	755	585
Van Horn Hotel Co., Texas (opened in June 1930).....	None	18
Waldorf-Astoria Corporation (Waldorf-Astoria opened in 1932 with 1,490 employees).....	None	1,790
Wellsboro Hotel, Pennsylvania.....	29	24

The names of the companies, not listed specifically, have been omitted at the request of the companies for business reasons.

[From the American Federationist for May 1936]

NO PROGRESS IN REEMPLOYMENT

During the first quarter of 1936 American industry has made little or no progress in putting the unemployed to work. The employment gain of 560,000 jobs from January to March is no more than the normal seasonal rise in jobs at this time of year. It must be regarded as purely temporary and accomplishes nothing in permanently reducing the army of unemployed.

In March 1936, 12,184,000 were without work in industry, compared to 12,570,000 in February and 12,646,000 in January. Unemployment decreased by a similar amount last year and also before depression in the spring of 1929. Building is the only industry where gains were more than seasonal; the industry took back 57,000 from January to March. This was offset, however, by the manufacturing industries, which reemployed less than the usual seasonal number.

Trade-union reports give us figures for April and tell a similar story. There has been as yet no progress in putting the unemployed to work in 1936. Union members report that employment gains this year have been less than last year. In 1935, 2.3 percent of the membership found jobs between January and April; in 1936, only 1.7 percent. The weighted figures show the following percentage of union members unemployed: March 1936, 15.5; February 1936, 16.2; March 1935, 19.4.

We are now depending on the Federal Government for 3,878,000 jobs in P. W. A., W. P. A., etc., and in addition relief agencies are caring for about 1,890,000 cases (February 1936).

Hours of work in industry have been lengthened both in February and March this year. Unquestionably this is a chief reason for our failure to make any permanent gains in reemployment. Elsewhere in this month's issue we have pointed out the fact that recovery in employment is falling far behind recovery in business; that we cannot count on industry to put the unemployed to work. America cannot dodge this problem. Businessmen in the past have allowed the Government to deal with it by giving work relief at relief wages. If they plan to continue this policy and still refuse to face the problem, they will do well to remember that millions of American citizens will not indefinitely submit to enforced poverty and public support in an age when industry is equipped to supply them a comfort level of living.

Unemployment in cities

City	All trades		Building trades		All other trades		Part time, all trades
	Percent members unemployed April 1936	Percent increase (+) or decrease (-) since March 1936	Percent members unemployed April 1936	Percent increase (+) or decrease (-) since March 1936	Percent members unemployed April 1936	Percent increase (+) or decrease (-) since March 1936	
Atlanta, Ga.....	6	-6	32	+58	4	-24	16
Baltimore, Md.....	17	-6	46	-9	13	-6	20
Birmingham, Ala.....	8	-6	31	-7	6	-4	14
Boston, Mass.....	19	-9	27	-10	13	-7	24
Buffalo, N. Y.....	21	-9	53	-2	14	-13	19
Chicago, Ill.....	20	-4	51	-9	13	+2	22

¹ Comparing the same unions for these 2 months.

Unemployment in cities—Continued

City	All trades		Building trades		All other trades		Part time, all trades
	Percent members unemployed April 1936	Percent increase (+) or decrease (-) since March 1936	Percent members unemployed April 1936	Percent increase (+) or decrease (-) since March 1936	Percent members unemployed April 1936	Percent increase (+) or decrease (-) since March 1936	
Cincinnati, Ohio.....	12	-22	45	-4	5	-42	15
Cleveland, Ohio.....	16	-12	45	-24	9	+8	25
Denver, Colo.....	8	-4	12	-20	7	+2	27
Detroit, Mich.....	14	-5	29	-12	12	-1	16
Jersey City, N. J.....	16	-1	66	+2	9	-5	22
Los Angeles, Calif.....	12	-15	22	-11	8	-16	23
Milwaukee, Wis.....	13	-12	25	-31	12	-8	16
Minneapolis, Minn.....	16	-1	36	-3	11	+1	20
New York City, N. Y.....	27	-5	53	-6	23	-4	23
Omaha, Neb.....	10	-17	49	-8	4	-29	9
Paterson, N. J.....	33	-1	66	-3	32	-1	24
Philadelphia, Pa.....	18	-4	49	-11	17	-3	23
Pittsburgh, Pa.....	17	-22	45	-30	9	-9	19
San Antonio, Tex.....	9	+5	35	-5	3	-3	17
San Francisco, Calif.....	14	-10	16	-26	14	-6	17
St. Louis, Mo.....	17	-6	35	-20	13	+2	26
Seattle, Wash.....	12	-13	20	-27	11	-5	15
Washington, D. C.....	6	-9	29	-13	2	-5	9

Total unemployment in United States

Year	American Federation of Labor estimate of total unemployment in United States	Percent of union members	
		Unemployed (weighted)	Part time
Yearly averages:			
1929.....	1,864,000	-----	-----
1930.....	4,770,000	14.5	-----
1931.....	8,738,000	19.1	19
1932.....	13,182,000	23.8	21
1933.....	13,723,000	24.3	21
1934.....	12,364,000	20.9	24
1935.....	12,208,000	18.5	22
UNEMPLOYMENT BY MONTHS			
1932			
January.....	11,925,000	23.1	19
February.....	12,169,000	23.0	20
March.....	12,387,000	22.5	20
April.....	12,519,000	22.8	21
May.....	13,604,000	22.8	22
June.....	13,373,000	23.6	21
July.....	13,793,000	25.4	21
August.....	13,998,000	25.1	21
September.....	13,458,000	24.8	22
October.....	13,415,000	23.9	22
November.....	13,925,000	24.2	23
December.....	14,240,000	24.9	22
1933			
January.....	15,156,000	25.8	20
February.....	15,319,000	26.0	20
March.....	15,653,000	26.6	22
April.....	15,125,000	26.1	21
May.....	14,615,000	25.8	20
June.....	13,843,000	25.5	21
July.....	13,458,000	24.1	21
August.....	12,662,000	23.7	20
September.....	11,854,000	22.4	21
October.....	11,842,000	21.7	22
November.....	12,374,000	22.0	22
December.....	12,760,000	22.8	22
1934			
January.....	13,382,000	22.6	23
February.....	12,964,000	22.0	22
March.....	12,420,000	21.3	22
April.....	12,004,000	20.7	23
May.....	11,711,000	20.0	24
June.....	11,714,000	19.6	24
July.....	12,222,000	20.8	24
August.....	12,362,000	21.6	24
September.....	12,420,000	20.3	23
October.....	12,213,000	20.0	23
November.....	12,581,000	21.1	26
December.....	12,359,000	21.2	25
1935			
January.....	13,058,000	21.0	23
February.....	12,764,000	20.0	22
March.....	12,608,000	19.4	23
April.....	12,379,000	18.7	22
May.....	12,382,000	18.3	22
June.....	12,389,000	18.5	23
July.....	12,475,000	19.4	21
August.....	12,219,000	18.4	23
September.....	11,789,000	17.9	21
October.....	11,449,000	17.3	21
November.....	11,672,000	16.7	22
December.....	11,397,000	16.9	22

Total unemployment in United States—Continued

	American Federation of Labor estimate of total unemployment in United States	Percent of union members	
		Unemployed (weighted)	Part time
UNEMPLOYMENT BY MONTHS—CON.			
1936			
January.....	12,646,000	17.2	22
February.....	12,570,000	16.7	21
March.....	12,184,000	16.2	21
April.....		15.5	21

¹ Revised.² Preliminary.

NOTE.—For earlier figures see August 1934 American Federationist, p. 853, for trade-union reports; and January 1936, p. 64, for unemployment estimates.

Record for 8 years

	Percent of union members unemployed											
	January	February	March	April	May	June	July	August	September	October	November	December
Total, all trades:												
1928	18	18	18	16	13	11	12	9	10	9	10	13
1929	15	15	14	12	11	9	9	9	10	11	12	16
1930	20	22	21	21	20	20	22	22	21	21	22	23
1931	27	27	26	25	25	25	26	26	26	26	27	30
1932	31	31	30	31	31	32	34	33	32	31	32	34
1933	35	34	34	33	33	31	31	29	27	28	29	31
1934	28	26	25	24	25	28	28	25	24	25	27	25
1935	26	24	22	21	21	23	27	23	20	20	20	23
1936	22	22	21	20								
Total building trades:												
1928	36	39	38	32	35	22	24	19	22	18	21	23
1929	30	33	34	29	26	19	16	18	21	22	23	25
1930	38	43	41	40	37	37	39	39	38	38	42	45
1931	51	52	52	50	48	48	50	51	52	53	54	59
1932	62	63	63	65	61	62	64	64	65	65	67	69
1933	70	71	72	71	65	66	67	66	63	62	63	67
1934	58	55	55	58	57	55	57	60	58	56	57	57
1935	60	61	59	57	54	51	51	48	45	47	46	48
1936	50	52	49	42								
Total, metal trades:												
1928	18	16	16	12	12	10	13	9	8	8	7	11
1929	8	8	7	5	5	5	6	7	7	7	8	11
1930	15	18	18	19	19	19	21	20	23	21	25	25
1931	28	29	27	29	28	31	32	30	31	31	32	35
1932	34	37	37	39	39	42	45	45	46	46	46	42
1933	47	50	49	49	46	45	45	42	39	36	36	43
1934	35	34	30	28	25	22	24	25	25	27	27	26
1935	25	25	24	23	23	23	22	20	19	19	18	22
1936	17	17	17	16								
Total printing trades:												
1928	4	5	5	5	4	4	5	5	5	5	4	3
1929	4	5	5	4	3	3	4	4	3	4	4	4
1930	5	5	6	6	6	6	7	8	8	7	8	9
1931	10	10	11	12	11	12	13	14	14	14	15	13
1932	17	18	17	18	18	21	22	20	20	20	19	20
1933	20	22	22	22	23	23	22	22	22	21	20	19
1934	19	19	18	18	17	17	17	18	17	17	16	18
1935	17	15	15	14	14	14	15	15	14	13	14	15
1936	15	13	13	12								
Total all other trades:												
1928	10	10	11	9	9	8	8	6	6	7	8	11
1929	12	11	8	8	6	7	7	7	7	7	9	10
1930	12	13	13	12	13	14	16	16	14	13	15	14
1931	19	17	16	16	15	16	17	16	16	16	18	20
1932	21	19	18	18	20	21	23	22	20	18	19	21
1933	22	21	22	20	22	21	20	19	22	16	18	20
1934	19	17	16	16	16	19	22	17	16	19	21	18
1935	20	17	15	14	16	19	22	19	16	15	19	17
1936	18	17	17	17								

¹ Revised.² Preliminary.

[From the United States News of Dec. 28, 1936]

UNEMPLOYMENT, THE WEAK LINK IN RECOVERY CHAIN—PROSPECTS FOR ABSORBING WASTE IN IDLE MANPOWER—CHIEF HOPE SEEN IN CAPACITY PRODUCTION OF DURABLE GOODS

All official calculations of the real capacity of the United States to produce goods and to find consumers for those goods in the years ahead keeps bumping against the question of industry's ability to find jobs for those now dependent on Government for a livelihood.

The depression proved to the satisfaction of President Roosevelt and his advisers that any broad recovery was not possible so long as a big slice of the population was without incomes with which to buy the goods that industry could produce. F. E. R. A., C. W. A., W. P. A., P. W. A., C. C. C., and R. A. became the symbols of Government experiments with the idea of making consumers out of those unemployed in industry by giving them borrowed money to spend.

But now the dominant White House advisers are telling Mr. Roosevelt that this means of stimulating recovery must be checked

to prevent the development of a runaway inflationary boom. Arguments are under way over methods of cutting down on Government pump-priming activities. As a result questions like the following arise:

Should Government try to force industry to take up the unemployed by placing a definite top on the hours of work? If present recovery continues until industry passes the 1929 rate of operations, will there even then be jobs for the bulk of those now out of work? Are there signs that this central depression problem is becoming noticeably less important?

NEED FOR INFORMATION

Officials admit that factual answers to those and other questions depend more and more on information that is not available to the Government. After 7 years of depression the Federal Government has no definite knowledge of the real total of unemployed. It does not know what their skills are, what jobs they could fill, how long they have been out of work. What it does know is that a large proportion of those on relief are above the age of 40 and that not many of those remaining on relief have special skills.

And what is known definitely is that 2,500,000 are employed on Works Progress Administration jobs; that 300,000 are at work in C. C. C. camps; that 300,000 farmers are getting help from the Resettlement Administration; that about 1,300,000 families are being cared for by States and localities.

In other words, with the rate of industrial production in striking distance of 1929, and after more than \$8,000,000,000 of actual pump priming, about 4,400,000 families, or approximately 17,000,000 individuals—one-seventh of the country's population—are dependent on government for an existence.

WASTE OF HUMAN ENERGY

But from the point of view of the capacity of American industry to produce and consume goods, other figures arrived at by independent studies of the problem are getting even more attention than those of the Government. These figures, soon to be published as part of a survey of the whole problem, show the following:

1. That there are about 53,000,000 employable persons in this country who are interested in employment.
2. That about 12,500,000 of these have been out of employment in the last year, but of this number only about 9,500,000 can really be classed as employable.

HOW RETRIEVE THE WASTE?

3. That in 1932, due to part-time work and complete unemployment, there was a loss of 15,300,000 man-years in human energy, and even today the loss is huge.

The conclusion is drawn that: "Figures show that there has been a greater waste of human energy during the depression than is shown by the general figures of unemployment and that the road of recovery is even longer than is commonly thought."

But in what direction does that road lie? How will it be possible to find an outlet for the wasted energies of this country's millions of unemployed so that they will help add to the productive forces of the Nation and so that they can consume more of the products that industry could turn out if more buyers were able to consume more?

Apparently the country cannot afford to forget about the unemployed; and apparently, judged by present official studies, it cannot afford to subsidize them much longer in the style to which they have become accustomed.

The answer to this dilemma, according to studies soon to be published and to studies undertaken by Government departments, seems to lie in the production of a growing volume of durable goods.

Production of consumers goods, like clothing, shoes, electric power, and the multitude of things that people use in their everyday life has been reaching record proportions of late. Surveys suggest that about as many workers are employed in those industries today as were employed in the predepression years. They no longer are an area of unemployment.

The reason for boom-time spending in the consumers' goods industries is found in the pump-priming activities of the Federal Government. The billions poured into the pockets of the unemployed, together with the billions going weekly into the pockets of those who are employed, resulted in a surge of demand for everyday necessities.

CASE OF DURABLE GOODS

But in the field of durable goods, where normally one-third of the country's employment lies, people are able to delay filling needs or preparing to fill what they think may become future needs. How this situation operates is shown in the figures of durable goods production. That production fell from \$32,000,000,000 total in 1929 to \$12,500,000,000 in 1932, while consumer goods production fell in value only from \$36,800,000,000 to \$31,200,000,000. Much of the latter loss has since been regained.

The opportunity for expansion in the durable goods field, however, is shown by the figures for the average of the five predepression years 1925-29. Following is an approximation of the annual spending in that period:

Residential construction	\$5,000,000,000
Passenger cars	4,250,000,000
Refrigerators, etc.	5,500,000,000
Steam railroads	2,700,000,000
Public utilities	2,200,000,000
Industrial enterprises	7,500,000,000
Agricultural enterprises	1,100,000,000
Public construction	3,700,000,000

The question is whether activity in durable goods can approach the levels of the pre-depression years and whether, if it does, the result would be to soak up the big proportion of the present unemployed.

During the year 1936, according to available estimates, durable-goods production amounted to about \$20,000,000,000 compared with the pre-depression total of more than \$32,000,000,000.

Actually, according to conclusions now being reached both by Government departments studying the problem and by outside agencies, the accumulated needs of the country are so great that a revival of the capital markets could quickly result in a sharp increase in durable-goods activities. Barring unforeseen complications the expectation is that this increased activity will gradually absorb the unemployed, without resorting to schemes for spreading the work by compulsory shortening of hours.

Reasons for this situation are seen in an analysis of the potential markets that now are beginning to be filled.

RESIDENTIAL CONSTRUCTION

In the 5 years prior to the depression the average number of homes built in this country totaled about 750,000 a year. In the depression this number dropped to 60,000, and while gains were made during the last year the total still is far from that of the earlier periods.

But in the period since 1929 the population of the country has increased, many residences are obsolete or have been abandoned. There are huge potential needs that Government departments estimate to amount to around 900,000 units a year for the next 5 years.

Also at present there are huge supplies of credit seeking investment at rates more reasonable than in the past. Rents are rising even faster than building costs. In some areas it has become less expensive to build than to rent. Gradually, in the official view, the stage is being set for a large-scale home-building revival. If this revival comes, it will create a broad demand for now idle labor.

NEED OF APPRENTICES

One catch, however, is that during depression years few apprentices have been trained in the building trades with a result that difficulty is being found in locating sufficient skilled labor even today. Government competition plays a part in that situation as its W. P. A. and P. W. A. projects demand carpenters and masons.

The capacity of this country to consume automobiles has been a major factor in the business revival that has occurred to date. Of all the durable-goods industries this has shown the most marked improvement, running employment to a point above 1929 with wage payments far in excess of that year.

Even with the large-scale production of the past 2 years, the experts figure that the probable demand during the next 5 years will absorb an average of 4,000,000 cars a year to provide for replacements, additions to the number of car owners, and inventory.

As a result, the economic appraisers for the Government do not expect any particular let-down in this industry, even though it has covered the ground lost in the years since 1929.

HOUSEHOLD MACHINES

Before the depression this country offered a huge market for such items as electric refrigerators, washing machines, electrical household equipment, and a wide variety of other commodities that did not go into consumption to be used up quickly.

But the life of much of this equipment is relatively short and now replacement and new demand is reviving on such a broad scale that it rivals the demand for automobiles as a factor in recovery.

Sales are expected to return to a level over \$5,000,000,000 a year and to pass beyond in an era that is marked by increasing consumption of electricity for broader and broader purposes. The prospects in this field are regarded as bright, fitting in with the idea of expanded consumer credit. Estimates for the future are for a business of about \$6,000,000,000 a year.

These transportation companies before the depression were a major source of durable-goods spending. They were a major factor in the steel industry and were heavy buyers in other fields, giving employment to at least a million more men than today.

In a depression that placed about one-third of the railroad mileage of the Nation in receivership this industry collapsed as a support for employment. Now it is reviving rapidly under the stimulus of increasing freight and passenger business. There is a huge deficiency to be filled through the purchase of new equipment and new track that is regarded as certain to add to employment.

PUBLIC UTILITIES

Like the consumer-goods industries, the public utilities of the country suffered relatively little loss of business during the depression, but, like some other industries, they called a halt to plant expansions and extensions that formerly provided a large number of jobs.

During the past year the demand for electric power has sent production to a point 15 to 20 percent above 1929. Yet little plant capacity has been added since that time. Demand continues to grow. The result is that officials are convinced that the utilities will be forced to spend money on a large scale during the months ahead in order to fill the needs of their growing number of customers.

The estimate is that utilities will be called upon to spend more money on plant and equipment during the next 5 years than they spent during the 5 predepression years when the yearly total was \$2,200,000,000.

INDUSTRIAL ENTERPRISES

An era of industrial-plant expansion ended with the start of the depression. The amount of money spent on plant fell off to not much more than 10 percent of the predepression normal.

Now there are beginning to be important signs of expansion. The steel industry has announced large building programs to provide equipment with which to meet a demand that taxes present facilities. The automobile industry is expanding plants. The same is true of the oil industry, the electric-equipment industry, and other important sectors of the industrial set-up.

Such a large slice of the whole durable-goods picture is involved in this line of activity that officials are particularly interested in present developments. The estimate is that as much as \$10,000,000,000 to \$12,000,000,000 would be required annually during the next 5 years to put the industrial equipment of this country in efficient shape.

But whether this amount will find its way into this field depends, as it does in other heavy-goods industries, on the ability and willingness of corporations to borrow in the investment markets.

Farm income available for improvement of machinery and of plant is about as large as in 1929. The result is that agriculture is back in the market as an important contributor to recovery in the durable-goods field.

PUBLIC CONSTRUCTION

Before the depression, public and semipublic construction amounted to about \$3,500,000,000 annually. It fell to a small fraction of that amount in the first years after 1929, but the present administration has stimulated this form of spending until now it is estimated to be not much below the 1929 level. Some further expansion is expected as local governments and State governments continue to fill needs.

What of employment if all of these industries should return to the rate of operation needed to fill pent-up requirements?

The experts figure that in case any such developments should occur all of the present idle could find jobs and there would be an actual shortage in some lines.

The key to the future of expenditure in these lines lies in the investment markets and in the readiness of the public to put its savings into industrial expansion.

Mr. DAVIS. Mr. President, a resolution providing for a study of unemployment was submitted last year, referred to the Senate Committee on the Judiciary, and by that committee reported, but when referred to the Committee to Audit and Control the Contingent Expenses of the Senate no action was taken. The Senator from New Mexico [Mr. HATCH] has submitted this year a similar resolution, Senate Resolution 36, which was favorably reported by the Committee on Education and Labor, and is now pending in the Committee to Audit and Control the Contingent Expenses of the Senate. I submit articles appearing in the United States News for November 23 and November 16, 1936, showing the urgency of an unemployment census. I ask that these articles be included in the RECORD as a part of my remarks, and I earnestly hope that the Committee to Audit and Control the Contingent Expenses of the Senate will promptly report the resolution submitted by the Senator from New Mexico.

There being no objection, the articles referred to were ordered to be printed in the RECORD, as follows:

[From United States News of Nov. 23, 1936]

MAJORITY OF EDITORS FAVOR JOB CENSUS

Desire of the Department of Commerce that Congress appropriate fifteen to twenty millions for a census of the unemployed is viewed by the public with general approval. Observers see a similar reaction to the President's proposal whereby a self-registration method would be used instead of a door-to-door canvass, making for simpler machinery and economy. In the judgment of 67 percent of the commenting newspapers, the project means better regulation of the supply of labor and, it is believed, curtailment of relief. To 33 percent of the press, the statistics will give a measure of recovery and a better understanding of industrial conditions.

Detailed study of business is tied up with the labor market, in the judgment of most of the editors of the country. It is declared, especially, that industrial leaders should be informed as to the distribution of workers who are fitted for various jobs and as to the number of idle persons who are unemployable.

"An index of national employment" is held by the New York Herald Tribune (Republican) to be a means of understanding the "degree of prosperity that the country has", and that paper emphasizes the "obligations to the victims of industrial uncertainty",

with the conclusions that "only so can the Nation plan intelligently for the future", with the certainty that gathering such facts is economy.

"AN IMPERATIVE NEED"

"Economists have contended throughout the last few years," states that Nashville Banner (Independent), "that authentic knowledge of the amount of unemployment was vital to the success of any attack upon it. It has been regarded as an imperative need, especially in the light of variations in official and semiofficial estimates which have confused the size of the actual task of reemployment of still undetermined millions.

"Senator Costigan's efforts to enact such a measure during the last congressional session are recalled, the bill failing because it lacked administration support."

"Such a census," says the San Francisco Chronicle (Independent), "has been urged from responsible quarters for several years. Without it, without reliable information on the number of unemployed, the Government goes it blind in its measures for unemployment relief, particularly in its appropriations."

"We should have," states the Boston Transcript (Republican), "not only knowledge of the state of unemployment but a new business barometer. The number of the idle would supplement car loadings and bank clearings as an indication of the condition of industry."

[From the United States News, Nov. 16, 1936]

COUNTING THE UNEMPLOYED: PLANS FOR A CENSUS—GOVERNMENT CONSIDERS A SURVEY OF BOTH JOBLESS AND EMPLOYED AND A STUDY OF DEPRESSION'S EFFECTS ON THEM

After years of dealing with large-scale unemployment, the Federal Government is giving thought to plans for obtaining a definite official answer to the questions:

How many actually are unemployed? Who are these unemployed and where are they and what are their skills?

Billions have been spent to relieve unemployment; relief plans have been built and abandoned and revived, without specific information concerning the number of individuals who actually needed aid.

Now, with politics out of the way and planning required for the future, plans are revived for a national census of both employment and unemployment.

Definitely:

1. President Roosevelt has told newspapermen that he would give thought to plans for a census on his return from his sea trip.
2. Daniel C. Roper, Secretary of Commerce, is recommending a census, to cost from \$12,000,000 to \$15,000,000, and to be made next April or May.

DIFFICULTIES OF CENSUS

In the past, President Roosevelt balked at counting the unemployed. He told questioners that it would be next to impossible to obtain a definition of unemployment and to draw a line between those who should be classed as unemployed and those who should be classed as employed.

His point was that in many families are individuals who might work if the opportunity came their way, but who did not necessarily need or want to work. In other families there might be individuals who gave music lessons one or two days a week or who did occasional nursing. Would they be classed as unemployed if not working on the day the census taker came, or would they be called employed if happening to be giving a lesson or to be occupied with nursing?

The census experts now say that they can work out simple definitions that will overcome objections of this kind.

PURPOSES OF PROJECT

And high Government officials, faced with post-election problems of Government policy, say that they need specific information for two major purposes, which are:

1. To determine whether there really is need for revival of some agency, such as N. R. A., to induce industry to shorten hours or to take other steps to provide work for a larger number of individuals, or whether the unemployed actually are being absorbed at a rate that will result in elimination of the problem with progress of the recovery movement.
2. To determine how much of a reduction can be made in Federal appropriations for work relief, and how much dependence can be placed on old-age assistance to take over a big part of the future relief burden.

If a census is taken according to the plan being worked out by the Government's experts, two sets of questions will be put to the employed and the unemployed.

One set will be brief, designed to determine whether the individual is working, whether that work is full time or part time, whether the worker is at his particular skill, and the type of his occupation.

The second set will be more detailed. Through these questions the Government will endeavor to learn the unemployment history of the individual during the depression years. Has he been unemployed, or if unemployed, how long has he been unemployed? What has he been doing? What types of relief has he had? And a wide variety of other questions aimed at finding out what actually has happened to the workers of this country during the depression years.

Those who are working on census plans say that as much as 3 or 4 months may be required to build the machinery for the task, but that the census itself will require only 1 or 2 weeks.

After that, information would be compiled as quickly as possible and there is some backstage agitation for appointment of a Presidential commission of specialists who would digest the findings and draw conclusions from them. On those conclusions would rest future legislation for dealing with the problem of unemployment.

Also, the proposal is that machinery, once set up, be left in place for frequent use in determining the course of employment. The Federal Employment Service is expected to be tied in with that program if Presidential approval is given.

Just what is the Government's best guess concerning the number of unemployed at the present time?

The Department of Labor provides a monthly report on factory employment, which shows that about a million individuals have returned to factory jobs during the past year.

But that covers only one segment of industry.

MR. NATHAN'S ESTIMATE

In the Department of Commerce, Robert Nathan prepares regular estimates for the International Labor Office at Geneva, and his formula, when applied to the October situation, resulted in an estimate of 8,500,000 unemployed. This compares with approximately 15,000,000 at the depression bottom. It involves a 500,000 reduction since September and a reduction of more than 1,500,000 in recent months.

Mr. Nathan finds that as recovery proceeds employment increases more rapidly. During the first stages of recovery employers tended to give full-time employment rather than to add to the total number of workers. During that period, too, most efficient machinery was at work, requiring a minimum of employees.

But, in recent months, larger production has forced addition of an increasing number of new full-time workers. And production demands are forcing less efficient machinery into use. The result is that employment is found by the experts to be rising faster than it rose in the earlier recovery years.

Even with general information and estimates on the number of those out of work, the Government lacks knowledge of what it considers vital details of the problem.

How many of the unemployed are unemployable? What type of work are the unemployed capable of doing? Is the existing W. P. A. program best fitted to make use of their skills?

RELIEF FIGURES

Harry Hopkins, Administrator of W. P. A., estimates that the number of individuals and families on relief in the United States will be approximately 1,000,000 below the comparable figures for a year ago.

He finds that in August 1936 there were 3,883,000 families and single persons on relief within the country as compared with 4,250,000 in August 1935. But where there was an increase a year ago from this August total to 4,756,000 in January, Mr. Hopkins expects no increase—or at most a relatively small increase—during the present winter. He thinks that reviving employment will reverse the trend of depression years, causing the 1936-37 winter to be one of stationary relief load.

An official W. P. A. report, covering operations for August, said: "During August 1936 an estimated total of 1,452,000 families and single persons received relief through State and local relief agencies. At this time there were 2,451,000 persons from relief rolls, excluding C. C. C. workers, employed in the United States on the Works Program.

This gives a total of 3,903,000, but it involves an estimated 70,000 duplications.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. ELLENDER in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

He also, from the Committee on Appropriations, reported favorably the nomination of John M. Carmody, of New York, to be Administrator of the Rural Electrification Administration for the remainder of the term expiring May 28, 1946, vice Morris L. Cooke, resigned.

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nomination of Reginald S. Castleman, of California, now a Foreign Service officer of class 6 and a consul, to be also a secretary in the Diplomatic Service.

Mr. CONNALLY, from the Committee on the Judiciary, reported favorably the nomination of Stanford C. Stiles, of

Detroit, Tex., to be United States marshal for the eastern district of Texas, vice Ed L. Taylor, appointed by the court.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the following nominations:

Col. George Arthur Lynch, Infantry, to be Chief of Infantry, with the rank of major general, for a period of 4 years from date of acceptance, with rank from May 24, 1937, vice Maj. Gen. Edward Croft, Chief of Infantry, whose term expires May 23, 1937;

Lt. Col. Frederick LeRoy Martin, Air Corps (temporary colonel, Air Corps), to be brigadier general, wing commander, with rank from January 1, 1937, vice Brig. Gen. Henry C. Pratt, wing commander (temporary), who accepted appointment as brigadier general of the line January 1, 1937; and

Brig. Gen. John Elmer Stoddard, Adjutant General's Department, Georgia National Guard, to be brigadier general, Adjutant General's Department, National Guard of the United States.

Mr. SHEPPARD also, from the Committee on Military Affairs, reported favorably the nominations of several officers for appointment, by transfer, in the Regular Army.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

COAST GUARD

The legislative clerk read the nomination of John I. Bryan to be commodore on the retired list.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. ROBINSON. I ask unanimous consent that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. I ask that the nominations in the Army be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Army are confirmed en bloc.

IN THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. ROBINSON. I ask that the nominations in the Navy be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Navy are confirmed en bloc.

IN THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. ROBINSON. I ask that the nominations in the Marine Corps be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Marine Corps are confirmed en bloc.

That completes the Executive Calendar.

ADJOURNMENT TO FRIDAY

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate adjourn until 12 o'clock noon on Friday next.

The motion was agreed to; and (at 4 o'clock p. m.) the Senate adjourned until Friday, February 19, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 17 (legislative day of Feb. 15), 1937

UNITED STATES DISTRICT JUDGE

Harry E. Watkins, of Fairmont, W. Va., to be United States district judge for the State of West Virginia to fill an existing vacancy.

UNITED STATES HIGH COMMISSIONER TO THE PHILIPPINE ISLANDS

Paul V. McNutt, of Indiana, to be United States High Commissioner to the Philippine Islands.

APPOINTMENT IN THE REGULAR ARMY

Col. Raymond Franklin Metcalfe, Medical Corps, to be assistant to the Surgeon General, with the rank of brigadier general, for a period of 4 years from date of acceptance, with rank from March 1, 1937, vice Brig. Gen. M. A. W. Shockley, assistant to the Surgeon General, to be retired February 28, 1937.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 17 (legislative day of Feb. 15), 1937

COAST GUARD

John I. Bryan to be commodore on the retired list.

APPOINTMENTS BY TRANSFER IN THE REGULAR ARMY

Capt. Andral Bratton to Quartermaster Corps.

Capt. Harold Patrick Henry to Quartermaster Corps.

First Lt. Arthur Alfred McCrary to Signal Corps.

PROMOTIONS IN THE REGULAR ARMY

John Kimball Brown to be colonel, Cavalry.

Charles Hartwell Bonesteel to be colonel, Infantry.

Richard David Newman to be colonel, Cavalry.

Benjamin Willis Mills to be lieutenant colonel, Infantry.

Thomas Fenton Taylor to be lieutenant colonel, Infantry.

Marshall Henry Quesenberry to be lieutenant colonel, Infantry.

Richard Wilmer Cooksey to be lieutenant colonel, Cavalry.

LeRoy Welling Nichols to be major, Infantry.

Charles Martin Chamberlain, Jr., to be major, Infantry.

LeRoy Allen Whittaker to be major, Coast Artillery Corps.

Harry Barnes Sepulveda to be major, Adjutant General's Department.

John Robert Hubbard to be major, Quartermaster Corps.

PROMOTIONS IN THE NAVY

Charles F. M. S. Quinby to be lieutenant commander.

Charles L. Freeman to be lieutenant.

Edward T. Eves to be lieutenant.

Idris B. Monahan to be lieutenant.

Albert J. Walden to be lieutenant.

Leonard F. Freiburghouse to be lieutenant.

Eugene H. Tennent to be dental surgeon.

Joseph A. Mahoney to be dental surgeon.

Lucien C. Williams to be dental surgeon.

Paul G. White to be dental surgeon.

Cornelius H. Mack to be dental surgeon.

Ronald Barber to be dental surgeon.

Charles T. Pridgeon to be assistant dental surgeon.

Stanley F. Webster to be assistant dental surgeon.

James L. Wanger to be assistant dental surgeon.

Daryl S. McClung to be assistant dental surgeon.

Frank I. Gonzalez, Jr., to be assistant dental surgeon.

Edward T. Brennan to be assistant dental surgeon.

Philip S. Faillo to be assistant dental surgeon.

John J. Hilt to be assistant dental surgeon.

Vernon S. Robinson to be assistant dental surgeon.

Maurice S. Shortridge to be assistant dental surgeon.

Miller H. Cosby to be assistant dental surgeon.

Harold C. Gwynne to be pay director.

Laurence E. Tagtmeyer to be chief gunner.

John F. Cravens to be chief machinist.

MARINE CORPS

Charles D. Barrett to be colonel.

Walter T. H. Galliford to be lieutenant colonel.

Otto E. Bartoe to be major.

POSTMASTERS

COLORADO

Nelle M. King, Fountain.

HAWAII

Timothy Wong, Waipahu.

ILLINOIS

Albert G. Lucas, Lake Forest.
Arthur M. Kloepper, Winnetka.

MAINE

Guy C. Bean, Freeport.
Carl Augustine Magnusson, South Windham.

MISSISSIPPI

George Y. Banks, Columbus.
Nelms N. Northcross, Corinth.
Mercer L. Gewin, De Kalb.
Aubrey O. Hammack, Scooba.
Albert F. Zachry, Stonewall.
Ethelbert R. Rankin, Tupelo.

MISSOURI

John L. Price, Conway.
Frances R. Cardwell, Fordland.
John Frank Hughes, Jr., Greenville.
Frank F. Rudd, Lewistown.
Adam J. Knapp, Linneus.
Isaac M. Horn, Memphis.
George W. Stivers, Piedmont.

MONTANA

George A. Wright, Havre.
Guy R. McClarren, Ryegate.
Marvin E. Corkill, White Sulphur Springs.

SOUTH DAKOTA

William C. McCaffrey, Alexandria.
Carl L. Freiwald, Big Stone City.
Charles F. Silvis, Ravinia.

VIRGINIA

John Franklin Wolfenbarger, Clinchport.

HOUSE OF REPRESENTATIVES

WEDNESDAY, FEBRUARY 17, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, Thou hast made us immortal beings with deathless souls; in mercy and in judgment, Thou art calling us night and day. O God, may we hear Thy voice and turn the parched lands of our souls into gardens of spiritual bloom. Grant us faith to realize that Thou knoweth the essence of life to be divine and that Thou art seeking lovingly to manifest Thy divinest works. Let the light and love of the Almighty One rise afresh with healing in His wings and teach men that the supreme passion is to serve. In the midst of the rush and roar of life steady us with tones of tenderness, truth, and courage; feed us with the bread of heaven. Stay our souls on Thy holy word: "*Blessed is the man that walketh not in the counsel of the ungodly, but his delight is in the law of the Lord.*" In our Savior's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the roll of committees.

Mr. McREYNOLDS (when the Committee on Foreign Affairs was called). Mr. Speaker, I have quite a number of bills to present.

Mr. MARTIN of Massachusetts. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. RAYBURN. Mr. Speaker, I move a call of the House. A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 19]

Aleshire	Bigelow	Byrne	Cooley
Arnold	Boehne	Cannon, Wis.	Crowther
Barden	Buckley, N. Y.	Celler	Culkin
Bernard	Bulwinkle	Champion	Dempsey
Biermann	Butdick	Connery	Dingell

Disney	Jarrett	Meeks	Secrest
Duncan	Jenkins, Ohio	Murdock, Ariz.	Shafer, Mich
Ferguson	Johnson, Minn.	Nelson	Shannon
Flannery	Kee	Nichols	Smith, Maine
Gasque	Keller	O'Malley	Stubbs
Goldstorough	Knutson	Parsons	Sweeney
Goodwin	Lambertson	Phillips	Taylor, Colo.
Hamilton	Lambeth	Polk	Taylor, Tenn.
Hancock, N. C.	Lamneck	Reece, Tenn.	Terry
Harrington	Lewis, Md.	Rogers, Okla.	Thom
Havener	Lord	Ryan	Treadway
Hendricks	McGranery	Scott	Voorhis
Higgins	McSweeney	Scrugham	Wearin

The SPEAKER. Three hundred and sixty-one Members have answered to their names. A quorum is present.

On motion of Mr. RAYBURN, further proceedings under the call were dispensed with.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of two bills I have introduced and to insert a copy of these bills in connection with my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TOBEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address which I recently made.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

(Mr. MAVERICK, Mr. PETTENGILL, Mrs. HONEYMAN, and Mr. ALLEN of Louisiana asked and were given permission to extend their remarks in the RECORD.)

ELECTION TO A STANDING COMMITTEE

Mr. SNELL. Mr. Speaker, I present a resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 119

Resolved, That GEORGE J. BATES, of Massachusetts, be, and he is hereby, elected a member of the Committee on Naval Affairs.

The resolution was agreed to.

Mr. SNELL. Mr. Speaker, I present another resolution and ask for its immediate consideration.

The Clerk read the resolution as follows:

House Resolution 120

Resolved, That FRED L. CRAWFORD, of Michigan, be, and he is hereby, elected a member of the Committee on Banking and Currency.

The resolution was agreed to.

RESIGNATION FROM COMMITTEE

The Chair laid before the House the following communication:

WASHINGTON, D. C., February 17, 1937.

HON. W. B. BANKHEAD,
Speaker, House of Representatives,
Washington, D. C.

SIR: I hereby tender my resignation as a Member of the Naval Affairs Committee of the House of Representatives.

With great respect, your obedient servant,

FRED L. CRAWFORD.

The resignation was accepted.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 148. An act to repeal a proviso relating to teaching or advocating communism in the public schools of the District of Columbia, and appearing in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936.

The message also announced that the Senate had ordered that the Secretary request the House to return to the Senate the bill (S. 204) relative to the qualifications of practitioners of law in the District of Columbia.

APPROPRIATION FOR PAYMENT TO THE GOVERNMENT OF THE NETHERLANDS FOR THE ACCOUNT OF MIGUEL PAULA

Mr. McREYNOLDS. Mr. Speaker, I call up the bill (H. R. 2910) authorizing an appropriation for payment to the Government of the Netherlands for the account of the family of

Miguel Paula, and ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole. The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. FISH. Mr. Speaker, reserving the right to object, would it not be well for the chairman of the committee to make a statement in regard to this bill as well as others of similar nature?

Mr. McREYNOLDS. I am going to do that.

Mr. FISH. Will the gentleman do that later in order to make the record complete?

Mr. McREYNOLDS. Yes. I may say, Mr. Speaker, there are quite a number of these bills, most of which involve small claims. These bills passed the House last session by unanimous consent. They should have been brought in at this time in an omnibus bill, but through oversight separate bills have been introduced. There are 15 of these bills on the calendar, and it has become necessary to call them up for consideration today. All of these bills cover claims for liabilities which we concede to be liabilities to subjects of various foreign governments.

It is now my purpose to call up these different claims involving various foreign subjects where the countries involved do not owe this Government one penny. There are some 8 or 10 of these bills, and I should like to have them considered en bloc. I have merely called this one first in order to let the House understand the character of bill that is involved. I should be pleased, however, to have this bill considered with other bills on the calendar, which are: H. R. 2915, a small Chinese claim; H. R. 2916, another small Chinese claim; H. R. 2918, another Chinese claim; H. R. 2919, another Chinese claim; H. R. 2920, for the Dominican Republic; H. R. 2921, another Chinese claim; H. R. 2922, another Chinese claim; H. R. 2923, a Nicaraguan claim; and also a Mexican claim, H. R. 2917.

Mr. SNELL. Mr. Speaker, will the gentleman yield for a question?

Mr. McREYNOLDS. Gladly.

Mr. SNELL. As I understand, these bills are all of the same character?

Mr. McREYNOLDS. Yes.

Mr. SNELL. What is the total amount of all of them?

Mr. McREYNOLDS. The chairman of the subcommittee [Mr. FREY] states that \$30,000 is the total for all of the claims.

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, does the gentleman mind stating what he proposes to do with respect to the remaining five or six bills?

Mr. McREYNOLDS. There will only be three or four bills left, and the ranking member of my committee on the minority side wants us, perhaps, to go into Committee of the Whole so we may have some discussion of those bills.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee that the bill (H. R. 2910) authorizing an appropriation for payment to the Government of the Netherlands for the account of the family of Miguel Paula be considered in the House as in the Committee of the Whole?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of the Netherlands for the account of the family of Miguel Paula, a citizen of the Netherlands, for the death of Paula due to cocaine poisoning while a patient at the United States Marine Hospital at New Orleans, La., on January 23, 1931, the sum of \$3,500.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. McREYNOLDS. Mr. Speaker, I now ask unanimous consent that the other bills I have mentioned—H. R. 2913, H. R. 2914, H. R. 2915, H. R. 2916, H. R. 2917, H. R. 2918, H. R. 2919, H. R. 2920, H. R. 2921, H. R. 2922, and H. R. 2923—be called up en bloc and be considered in the House as in Committee of the Whole.

Mr. RICH. Mr. Speaker, reserving the right to object, I understand these bills have been passed on unanimously by the gentleman's committee?

Mr. McREYNOLDS. Yes; and passed unanimously by the House at the last session, as I understand it.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

JANET HARDCASTLE ROSS

The Clerk read the bill (H. R. 2913) authorizing an appropriation for payment to the Government of Canada for the account of Janet Hardcastle Ross, a citizen of Canada, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of Canada for the account of Janet Hardcastle Ross, a citizen of Canada, in full settlement of all claims for personal injury resulting from the dropping of a dummy bomb by a United States Navy airplane near Coronado, Calif., on March 27, 1929, the sum of \$920.45.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ENRIQUETA KOCH V. DE JEANNERET, A CITIZEN OF CHILE

The Clerk read the bill (H. R. 2914) authorizing an appropriation for payment to the Government of Chile for the account of Enriqueta Koch v. de Jeanneret, a citizen of Chile, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of Chile for the account of Enriqueta Koch v. de Jeanneret as complete indemnity for injuries to her daughter, Lucia de Jeanneret, of Valparaiso, Chile, occasioned by an assault at Valparaiso by Andrew Stanley Kondek, seaman, United States Navy, on February 4, 1921, and as reimbursement of all expenses caused thereby, the sum of \$2,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

LI PO-TIEN

The Clerk read the bill (H. R. 2915) authorizing an appropriation for payment to the Government of China for the account of Li Po-tien, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of China for the account of Li Po-tien, a citizen of China, as compensation for personal injuries sustained as a result of an assault committed by Anthony R. Tofl, private, United States marines, at Tientsin, China, on January 2, 1929, the sum of \$300.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAIM OF CH'U SHIH-HSIANG (CHEU S. ZIANG) AND MA JUI-HSIANG (MO ZUNG POO), CITIZENS OF CHINA

The Clerk read the bill (H. R. 2916) authorizing an appropriation for payment to the Government of China for the account of certain Chinese citizens, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of China for the account of Ch'u Shih-hsiang (Cheu S. Ziang), a citizen of China, the sum of \$300, and for the account of Ma Jui-hsiang (Mo Zung Poo), a citizen of China, the sum of \$300 in full settlement of all claims for personal injuries sustained as a result of an assault committed by William H. Moon, corporal, United States Marines, at Shanghai, China, on May 26, 1931.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEN. HIGINIO ALVAREZ

The Clerk read the bill (H. R. 2917) authorizing an appropriation for the payment of the claim of Gen. Higinio Alvarez, a Mexican citizen, with respect to lands on the Farmers Banco, in the State of Arizona, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000, of which amount \$15,000 is to be paid to the Government of Mexico for the account of Gen. Higinio Alvarez in full settlement of his claim against the United States with respect to the ownership of lands on the Farmers Banco in the

State of Arizona, and the remaining \$5,000 is to be paid to the executors or administrators of the estate of R. E. Fishburn, deceased, in full settlement of such interest in the said Farmers Banco or the proceeds of the settlement therefor as was acquired by virtue of a grant to R. E. Fishburn dated January 6, 1927, signed by General Alvarez, or by the assignment by General Alvarez dated December 3, 1935, in favor of Mrs. R. E. Fishburn and other heirs of said R. E. Fishburn, or by both such grant and assignment, for distribution according to law: *Provided, however*, That no payment shall be made unless and until the Secretary of State shall have received from the Government of Mexico satisfactory assurances that no transfer, other than that specified herein, has been made by General Alvarez, or by anyone acting for or under him, of any part of his right, title, or interest in or to the property comprising the Farmers Banco; until the written opinion of the Attorney General shall be had in favor of the validity of the title; and until General Alvarez has given to the United States a quitclaim deed, in such form as may be deemed satisfactory to the Secretary of State, to all of his right, title, and interest in and to all of the land comprising the Farmers Banco, claimed by him under an instrument of grant dated October 22, 1926, signed by the constitutional President of the United Mexican States, or otherwise.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTATE OF CHANG HSI YING

The Clerk read the bill (H. R. 2918) authorizing an appropriation for payment to the Government of China for the account of certain citizens of China, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of China for the account of the estate of Chang Hsi Ying, in full settlement of all claims arising out of a collision in Chinese waters, on June 2, 1927, between the United States naval vessel *Bittern* and a Chinese junk, resulting in the drowning of Chang Hsi Ying, a member of the crew of the junk, the sum of \$500.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTATE OF LI YING-TING (LI ING DING)

The Clerk read the bill (H. R. 2919) authorizing an appropriation for payment to the Government of China for the account of certain Chinese citizens, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of China for the account of the estate of Li Ying-ting (Li Ing Ding), a citizen of China, the sum of \$1,500 as full indemnity for the deaths of Li Yuen Han (Li Yung-hang), Wang Sze (Li Hwang-shih), Chun Wo (Li Chen-Ho), and Foh Ling (Li Fu-lin), the son, daughter-in-law, grandson, and granddaughter, respectively, of Li Ying-ting (Li Ing Ding), resulting from a collision between the junk of Li Ying-ting (Li Ing Ding), and a United States naval vessel on the Yangtze River on July 3, 1925, and for medical and burial expenses incurred by Li Ying-ting (Li Ing Ding), as a result of the collision.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF MERCEDES MARTINEZ VIUDA DE SANCHEZ, A DOMINICAN SUBJECT

The Clerk read the bill (H. R. 2920) authorizing an appropriation for the payment to the Government of the Dominican Republic for the account of Mercedes Martinez Viuda de Sanchez, a Dominican subject, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of the Dominican Republic for the account of Mercedes Martinez Viuda de Sanchez, a Dominican subject, as a recognition by this Government of the meritorious services rendered by her late husband, Emeterio Sanchez, in rescuing certain members of the U. S. battleship *Memphis* on August 29, 1916, and to relieve her present financial condition, the sum of \$500.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAIM OF LING MAU MAU, A CITIZEN OF CHINA

The Clerk read the bill (H. R. 2921) authorizing an appropriation for payment to the Government of China for the account of Ling Mau Mau, a citizen of China, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropri-

ated, for payment to the Government of China for the account of Ling Mau Mau, a citizen of China, as full indemnity for the personal injuries received by him as the result of a collision between the junk of Wong Miao Fah and a United States naval vessel on the Whangpoo River, Shanghai, China, on May 20, 1930, and for medical expenses incurred by Ling Mau Mau in connection with his injuries, the sum of \$1,500.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CLAIM OF YAO AH-KEN, CHIANG AH-ERH (TSIANG AH ERH), TS'AO JUNG-K'UAN (DZAO YONG KWER), CITIZENS OF CHINA

The Clerk read the bill (H. R. 2922) authorizing an appropriation for payment to the Government of China for the account of certain Chinese citizens, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of China for the account of Yao Ah-Ken, \$1,500; Chiang Ah-erh (Tsiang Ah Erh), \$1,500; the family of Ts'ao Jung-k'uan (Dzao Yong Kwer), \$1,500, as full indemnity for losses sustained by Yao Ah-Ken, Chiang Ah-erh (Tsiang Ah Erh), and by the family of Ts'ao Jung-k'uan (Dzao Yong Kwer) as the result of a collision between United States Marine Corps truck numbered 1130 and tramcar B. 168, owned by the Shanghai Electric Construction Co., Ltd., in Shanghai, China, on November 29, 1929.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAIMS OF CERTAIN CITIZENS OF NICARAGUA

The Clerk read the bill (H. R. 2923), authorizing an appropriation for payment to the Government of Nicaragua for the account of Mercedes V. de Williams and others, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of Nicaragua for the account of Mercedes V. de Williams, a citizen of Nicaragua, as reimbursement for the deterioration of a boat said to have been owned by Mrs. Williams' husband, Fordyce (Frank) Williams, now deceased, and to have been loaned by him to individual members of the Marine Corps stationed at Prinzapolka, Nicaragua, for recreational purposes, and to have been used by them for such purposes in 1928 and 1929, the sum of \$75; for the account of Raimunda Valladares de Calderon, the widow of Justo Calderon, and the children of Justo Calderon, a native of Nicaragua, who was shot to death by a member of the United States naval forces on January 30, 1930, the sum of \$2,500; for the account of Demetrio Valle, a citizen of Nicaragua, as full indemnity for losses sustained by him as the result of a bombing operation by a United States Marine Corps airplane near Palasagua, Nicaragua, on or about April 11, 1929, the sum of \$600; for the account of Salvador Buitrago Diaz, a Nicaraguan citizen, as full indemnity for damages alleged to have been done to his property by United States marines on February 6, 1921, the sum of \$1,500; for the account of the following-named families and individuals the sum of \$11,700 as a total indemnity for losses sustained as a result of the death or personal injury of Manuel Gomez Molino and others during encounters with United States marines in December 1921 and January 1922; (1) to the family of Manuel Gomez Molino, who was killed December 8, 1921, \$1,500; (2) to the family of Obdulio Gomez, who was killed December 8, 1921, \$1,500; (3) to the family of Guadalupe Balverve (Valverde), who was killed December 8, 1921, \$1,500; (4) to the family of Francisco Ramos, who was killed January 25, 1922, \$1,500; (5) to the family of Estanislao Rocha, who was killed January 25, 1922, \$1,500; (6) to the family of Julio Carballo, who was killed January 25, 1922, \$1,500; (7) to the family of Manuel Hernandez, who was killed January 25, 1922, \$1,500; (8) to Manuel Pineda, who was wounded December 8, 1921, \$150; (9) to Alejandro Malespin, who was wounded December 8, 1921, \$150; (10) to Ignacio Doña, who was wounded December 8, 1921, \$150; (11) to Manuel Aburto, who was wounded January 25, 1922, \$150; (12) to Teofilo Farcia (Teofilo Garcia), who was wounded January 25, 1922, \$150; (13) to Pedro R. Vega, who was wounded January 25, 1922, \$150; (14) to Gilberto Lopez, who was wounded January 25, 1922, \$150; (15) to Juan Ortiz, who was wounded January 25, 1922, \$150; for the account of Benjamin Gonzalez, of the city of Managua, Nicaragua, as full indemnity for money expended by him because of his being wounded by shooting by Robert C. Lare, a private of the United States Marine Corps, while on police patrol in said city, the sum of \$343.55; for the account of Drs. Enrique Klinghoffer and Br. Rappacioli, of Diriamba, Nicaragua, in full satisfaction of all claims against the United States for professional services, medicines, etc., furnished on November 10 and 11, 1929, to the late Maj. Charles S. McReynolds, United States Marine Corps, who was suffering from numerous stab wounds, the sum of \$250; and for the account of Juan Francisco Rivas, a resident of Leon, Nicaragua, the sum of \$38.50, of which \$32.50 is to reimburse the said Rivas for the cost of medical services rendered to said Rivas and his family and made necessary by an attack upon said Rivas, his wife, and child by

two privates in the United States Marine Corps Expeditionary Brigade in Nicaragua, on June 5, 1927, and \$6 of which is to reimburse the said Juan Francisco Rivas for clothing of his said wife, damaged during said assault; for the account of Horacio de Jesus Castillo, a citizen of Nicaragua, as full indemnity for personal injuries sustained by him as the result of an assault committed upon him by a member of the United States Marine Corps at Matagalpa, Nicaragua, on February 24, 1931, the sum of \$1,000; for the account of Emelina Obando, a citizen of Nicaragua, as full compensation for personal injuries sustained as the result of an assault committed upon her by a member of the United States Marine Corps at Matagalpa, Nicaragua, on November 3, 1931, the sum of \$100; for the account of the children of Jesus Diaz, a citizen of Nicaragua, as full indemnity for his death as the result of being struck by a sack of post-exchange supplies dropped from a United States Marine Corps airplane at Matagalpa, Nicaragua, on June 21, 1928, the sum of \$300; for the account of Domingo Portillo, of Matagalpa, as reimbursement of expenses paid by him for the funeral of Jesus Diaz, the sum of \$21.50; and for the account of José Luis Mongrio, of Matagalpa, as reimbursement for the cost of repairs to the roof of his house in that city damaged by the dropping of a sack of post-exchange supplies from a United States Marine Corps airplane on June 21, 1928, the sum of \$80; in all, \$18,508.55.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

N. J. MOOSA

Mr. McREYNOLDS. Mr. Speaker, I call up the bill H. R. 2909, authorizing an appropriation for payment to the Government of Great Britain for the account of N. J. Moosa, a British subject, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. FISH. Mr. Speaker, I reserve the right to object. If the gentleman will yield time to me, I shall have no objection.

Mr. McREYNOLDS. If this request is granted, we shall have no time for general debate, except under the 5-minute rule.

The SPEAKER. If the request is granted, the bill will be considered in the House under the 5-minute rule. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of Great Britain for the account of N. J. Moosa, a British subject, as full indemnity for the personal injuries received by him as the result of a collision between a broker's trap in which he was riding and a United States Marine Corps truck at Shanghai, China, on September 13, 1928, and for medical and hospital expenses incurred by him in connection with his injuries, the sum of \$15.59.

Mr. FISH. Mr. Speaker, I move to strike out the last word. This is a highly important bill and it is a most unusual bill. In fact, I do not believe this Congress or the preceding Congress has ever seen a bill like it before, because it involves the sum of only \$15, and such a bill has not found its way recently to the floor of the House. It is not the amount of money, but it is the principle that is involved.

In order that the record may be clear, I was not here on Monday last when a number of Foreign Affairs Committee bills were objected to under unanimous consent, some 14 or 15 of them. A member of the Committee on Foreign Affairs objected to them at my request, and, so that there may be no misunderstanding about it, most of the legislation that comes out of the Foreign Affairs Committee, except a few very important bills, such as neutrality legislation, come out by unanimous consent and are very often considered by unanimous consent. As the ranking member of that committee on the minority side, I feel very strongly that when the Secretary of State and the President ignored the rights of the minority party in not appointing a single representative of the Republican Party as a delegate to the Peace Conference at Buenos Aires, a great fundamental right belonging to the minority party was not only overlooked, but deliberately violated for the first time in our history, since

the days of George Washington, contrary to American custom and practice. At every single peace conference of any importance at all, representatives of the minority party are appointed as delegates on our peace missions.

The minority has very few rights and can hardly enforce their rights when the majority is so overwhelming as it is in this body. The only way that I could call attention to the fact that the minority rights had been ignored and practically obliterated by the administration, for the first time in history, was to object to unanimous-consent consideration to every bill that came out of the Foreign Affairs Committee. Sooner or later I suppose that the State Department will find out what the reason for the opposition is. I do not propose to filibuster here today, but there will be other bills coming up by unanimous consent, and I propose to block them for the same reason. It is a matter of principle that transcends, in my view, almost anything that can happen in the Congress. If we permit the Secretary of State or the President to continue this policy in defiance of American traditions, it merely means injecting partisanship into international issues and making all international issues political footballs. The minority is forced to take such action in order to defend its rights. I shall reluctantly be compelled to continue to object to unanimous consent for consideration of bills from the Foreign Affairs Committee.

Mr. JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. JOHNSON of Texas. Does the gentleman think it fair to the Foreign Affairs Committee to object to bills that come out of that committee merely because he feels the President or the Secretary of State has been guilty of some oversight?

Mr. FISH. It so happens that this matter is one affecting purely foreign affairs. I am not speaking simply in my individual capacity, because I brought the issue up in a recent Republican conference, and the following resolution was adopted unanimously by the Republican conference—

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of Texas. Mr. Speaker, will the gentleman yield further?

Mr. FISH. Yes.

Mr. JOHNSON of Texas. The Committee on Foreign Affairs is not in any way responsible for the matter about which the gentleman complains.

Mr. FISH. Certainly not. This is not a personal matter. It is a question of policy and principle, because the Committee on Foreign Affairs is affected by this policy and no other committee in the House.

Mr. JOHNSON of Texas. It occurs to me that it is not quite fair on the part of the gentleman, who usually is very fair.

Mr. FISH. I try to be fair, but I assure the gentleman this is not a personal matter, as it will affect all bills, regardless of by whom introduced, that has the endorsement of the State Department or the President.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. O'CONNOR of New York. The gentleman intends, as I understand it, just to object to unanimous consent for the consideration of foreign-affairs bills?

Mr. FISH. That is all.

Mr. O'CONNOR of New York. Will the gentleman tell us now how long he is to keep up these tactics of obstruction, so that we may know?

Mr. FISH. I will tell the gentleman exactly how long. It does not depend on me. It depends upon the Secretary of State. Sooner or later I suppose the Secretary of State will find out that somebody is blocking some of the legislation that he is requesting, and then all he has to do as far as I am concerned is to send for me and say that in

the future the rights of the minority party will be protected, and that it will be granted proper representation, and that is all there is to it.

Mr. O'CONNOR of New York. Will the gentleman tell us whom he had in mind that should have been appointed on that commission?

Mr. FISH. I had not anyone in mind except that he should be a bona-fide Republican, and, that is, not a Republican who has deserted the Party to support the candidate of another party. But in this instance there were eight delegates and not one single Republican.

Mr. O'CONNOR of New York. Will the gentleman do us the honor to start back about 1910 and come down to date, and tell us what a bona-fide Republican is?

Mr. FISH. Oh, yes. The gentleman is just as good a politician as I am. He knows exactly what I am speaking about. It is one who supports his party's candidate for the presidency.

Mr. O'CONNOR of New York. I want the gentleman to go back to 1910, though.

Mr. FISH. I am not 70 years of age. I cannot go back that far.

Mr. O'CONNOR of New York. The gentleman was active in 1912.

Mr. McREYNOLDS. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes; I yield.

Mr. McREYNOLDS. Did I understand the gentleman to say this had been brought up in the Republican conference?

Mr. FISH. Let me read the resolution and the gentleman can ask about it afterward. This is the resolution that was passed by unanimous vote of the Republican conference:

Resolved by the Republican conference of the House of Representatives, That the action of President Roosevelt in failing to appoint a single delegate representing the minority party to the Inter-American Peace Conference held recently at Buenos Aires is contrary to traditional American custom and well-established practice of affording representation to the minority party on every important delegation or mission appointed by the Chief Executive to attend foreign conferences involving the peace of the United States; and be it further

Resolved, That the action of the President in utterly ignoring the rights of the minority party is to be deplored and condemned as being a violation of the customary usages and practice of American diplomacy from the time of George Washington and tending to destroy the nonpartisan character of such international conferences, and thereby injecting a partisan spirit and making international issues henceforth a political football, to the detriment of the interests and welfare of the American people.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. O'CONNOR of New York. Does the gentleman really think Secretary Hull is going to send for him? Not if I know Cordell Hull. [Laughter.]

Mr. FISH. I am not a bit concerned whether he does or not. I know him pretty well, too, but I will say this to the gentleman, that only a few days ago I was sitting in Grover Whalen's office in New York and he said, "What is the matter, Ham? What is holding up this legislation?" He was referring to the French Exposition bill that they wanted passed appropriating \$200,000. I told him why we objected to it by unanimous consent, and he said, "It is just a matter of principle, is it? A matter of policy?" I said, "Yes." He said, "Can I state that to Secretary Hull?" I said, "You can tell that to Secretary Hull any time you want to, but I do not propose to do it. He will find it out soon enough." So he rang up Secretary Hull and tried to get him at Washington. I went about my business, because I am not concerned at all whether the Secretary of State finds out about it or not, but I am concerned with maintaining the principle that is involved, to see that the rights of the minority party are protected, and I propose to do it as far as the rules of the House permit.

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent the gentleman may be given 5 additional minutes.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. FISH. This is the only possible way within my power to protect the rights of the minority. I had one other way if I wanted to filibuster here today on every single one of these 14 or 15 bills and put them in Committee of the Whole, and in that way filibuster through the afternoon, but I never made any other statement, except that I would oppose unanimous consent for the consideration of all bills having the endorsement of the State Department and the President before our committee. It is a very easy thing to do and I will continue to do it when the opportunity offers until we get that assurance that the rights of the minority will be protected.

Mr. McREYNOLDS. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes; I yield.

Mr. McREYNOLDS. The gentleman is wondering whether the Secretary of State got the information?

Mr. FISH. No; I am not wondering nor worrying.

Mr. McREYNOLDS. I will give the gentleman positive information that the Secretary has that information. He has not sent for you yet, has he?

Mr. FISH. I am not concerned with getting a free meal from the Secretary of State. I can still pay for my own meals. I am concerned with a fundamental principle that applies to the Democratic Party as well as the Republican, and that will come home to plague both Democrats and Republicans in the future. It is wrong and every single Democrat here knows it is wrong. There is not one Member on either side who will openly defend it.

Mr. McREYNOLDS. Will the gentleman yield for another question?

Mr. FISH. Yes; I yield as long as you will give me the time.

Mr. McREYNOLDS. The gentleman said he did not want a free meal. I will ask the gentleman if about 3 years ago he did not give out a statement criticizing the administration because no Republicans were being invited to the White House for meals?

Mr. FISH. Precisely. The gentleman raises a partisan issue. That is typical of the tactics of this administration, high-handed, autocratic, and arrogant, growing more so day by day. At the very start of the administration the President had a foreign Prime Minister and the King of Siam as the guests of the Nation and gave several dinners at the White House. He invited 40 or 50 people, and not one single Representative of the minority party. It is not that we Republicans are so broke that we cannot pay for our own meals, but at least there is a principle involved, and that is what we are talking about here.

If the minority party expects to maintain any of its rights to serve on missions dealing with peace and great international issues, then it is obvious under this administration that it must fight for them. It is becoming clearer every day that the administration is establishing a totalitarian state along the lines of fascism or Hitlerism, and the next step will be to abolish not only all the rights of the minority but the party itself and set up a one-party state.

Mr. McREYNOLDS. Mr. Speaker, will the gentleman yield for a question?

Mr. FISH. Yes.

Mr. McREYNOLDS. I want to thank the gentleman very much for aiding in getting these bills through today, for I know how the gentleman feels. I listened to the resolution as the gentleman read it. I see that it condemns the practice, but I do not see where the leadership on that side has approved the gentleman's course of action in objecting to all these bills.

Mr. FISH. What does the gentleman mean; what leadership? I am objecting myself, and I happen to be the ranking Republican member of the Committee on Foreign Affairs.

Mr. McREYNOLDS. I thought this resolution was passed by the minority Members, the Republicans in the House.

Mr. FISH. By all the Republicans in the House by unanimous vote after I had explained this exact situation in detail before the conference.

Mr. McREYNOLDS. Then I want to ask the gentleman how long he purposes keeping up these objections?

Mr. FISH. Until we get assurance that the rights of the Republican Party as a minority party will be recognized.

Mr. McREYNOLDS. Suppose you do not get any assurance, and suppose the New York World Exposition bill comes before the House.

Mr. FISH. But that is a meritorious piece of legislation.

Mr. McREYNOLDS. I agree with the gentleman that it is; but is the gentleman going to object to that?

Mr. FISH. The gentleman knows that we politicians make an exception to every rule. The gentleman knows that I have already made one exception. I will not, however, make any commitments in advance.

Mr. WOODRUM. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. WOODRUM. I should like to observe for the information of my friend that if they insist on objecting to all these bills of the Foreign Affairs Committee, that should the gentleman from New York find himself under any personal embarrassment when the New York bill comes up, perhaps some of his friends on this side will accommodate him.

Mr. FISH. We can work it out between us.

Mr. McREYNOLDS. Mr. Speaker, will the gentleman yield for another question?

Mr. FISH. Certainly.

Mr. McREYNOLDS. The gentleman is not objecting to the pending bill is he?

Mr. FISH. This bill for \$15?

Mr. McREYNOLDS. Yes.

[Here the gavel fell.]

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for an additional 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. FISH. I want to speak on the merits or demerits of this bill for \$15. I do not suppose, seriously, we can object to this little bill that has come out of the committee by unanimous vote, giving some British subject \$15. There are half a dozen others of the same nature, one for a citizen of France growing out of some accident in 1916 in Haiti, for \$1,000, which with compound interest at 6 percent amounts now to about \$2,000. That will make him rich down there.

The question is simply this, and I am not going any further than to raise the question: The Congress of the United States in this bill is appropriating money for Great Britain and will be in the next bill for France, both of which nations owe us money. Why not deduct it from the war debts? They have repudiated their war debts. They do not even pay interest on these debts. They do not even pay interest on the money loaned them after the armistice; and yet the Congress of the United States appropriates money for their citizens, and appropriates it in the name of the British Government and of the French Government. The question of policy comes up. I am not prepared to oppose this bill of \$15 merely on the question of policy, but it ought to be considered. Great Britain owes us billions of dollars; she is not paying a single penny in interest; yet we, by unanimous vote, probably will pay to Great Britain some money for one of her subjects injured somewhere in China. We could, if we wanted to, call attention to this fact and vote down these bills. Personally I do not think that that is the proper and right way to do it, at the expense of some little fellow who needs this \$15 more than the Treasury of the United States.

Mr. HOOK. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. HOOK. Will the gentleman tell us what his party did with regard to war debts?

Mr. FISH. Yes; I shall be very glad to tell the gentleman what we did. I want the record to be known. When this country was under Republican administrations we collected every year \$200,000,000 in payment of interest on the war debts. Under the present Democratic administration we do not collect anything except from little honest Finland—not one penny otherwise.

[Here the gavel fell.]

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for an additional 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. McREYNOLDS. Is not the gentleman mistaken?

Mr. FISH. Not a bit.

Mr. McREYNOLDS. I seem to remember that just before President Hoover went out he asked for a moratorium.

Mr. FISH. Certainly.

Mr. McREYNOLDS. And that is where we got stuck.

Mr. FISH. Near the expiration of President Hoover's term of office he communicated with Governor Roosevelt, then President-elect, and asked him to cooperate in a settlement of these war debts, but President-elect Roosevelt sent back word, "Oh, no; I will not cooperate."

"I propose to settle these debts. I propose to adjust them in my own way, and that will be the first objective of my administration."

Then what happened? The administration has been in power for 4 years and it has not made an attempt even to collect any of the war debts and the Government of the United States is not receiving any payment on these debts except from Finland. That is the record, and I want it to stand.

[Here the gavel fell.]

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. FISH. I yield to my colleague from New York.

Mr. O'CONNOR of New York. The gentleman has just quoted President Roosevelt. Is the gentleman quoting him from any public utterances or from some private conversation?

Mr. FISH. I am not literally quoting him. I am quoting what the papers had to say, I think it was in November 1932, right after the election when President Hoover asked for his cooperation in the settlement of the war debts. Of course, I do not know what was in the mind of President-elect Roosevelt at that time, but he said, "I am going to settle these debts. That will be one of the first objectives of my administration." And 4 long years have gone by and he has not made the slightest attempt to collect these debts. If he had made an attempt that would be something, but not a single effort has been made to collect a penny from any of these nations.

Mr. SHANLEY. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Connecticut.

Mr. SHANLEY. On June 1, 1934, the President sent a message to the House of Representatives on World War debts. I would advise the gentleman to read that message, then come back here and make a statement.

Mr. FISH. What has happened to the war debts? The President had been in office 15 months when he sent in the message and has done nothing since.

Mr. SHANLEY. The President made certain statements in that message. He had lined up with President Hoover on three fundamentals.

Mr. FISH. What is his position? He has been in power for 4 years. What is his proposal?

Mr. SHANLEY. His proposal is that those nations who are indebted to us make deliberate and conscientious attempts to pay the debts and not to proceed in unproductive militaristic efforts. The President of the United States has worked out reciprocal-trade agreements with various nations, and tied up with these agreements is the necessity to carry on at all fronts. He cannot carry out these reciprocal-trade agreements without giving these nations some time. I would ask the gentleman to read that statement.

Mr. FISH. Does the gentleman mean to say when we enter into these reciprocal-trade agreements we thereby cancel these war debts?

Mr. SHANLEY. No.

Mr. FISH. What has been done to secure a single penny?

Mr. SHANLEY. The gentleman is very learned, and he knows these war debts can be paid only in gold, by the purchase of goods, or the rendering of services. The gentleman's party is opposed to the introduction of imports. These war debts can only be paid by getting imports from the countries which owe us the money, or services or gold or articles of highly intrinsic value. There is not enough gold in most of the countries to pay the war debt.

The gentleman ought to know that, and I am sure he does know it, because he is a student of this matter. He knows that this whole matter is tied up with world currency, international exchange and reciprocal-trade agreements. [Applause.]

Mr. FISH. The gentleman has made his speech; but does the gentleman know that this morning's paper states that high officials in Great Britain, and we are discussing that particular country in the pending bill for the payment of \$15 to a British subject, made the announcement that she proposes to spend seven and a half billion dollars on armament for the next 5 years? Does the gentleman know that?

Mr. SHANLEY. The same paper made the statement it was three billion dollars 3 or 4 days ago.

Mr. FISH. I saw that, too.

Mr. SHANLEY. Today it is \$7,000,000,000. I am waiting for the correct figures.

Mr. FISH. Would the gentleman agree with either figure?

Mr. SHANLEY. That they are going to do that?

Mr. FISH. Yes; for purposes of armament.

Mr. SHANLEY. Yes.

Mr. FISH. And they are not paying us the war debt. Who is holding the bag?

Mr. SHANLEY. Who is holding it?

Mr. FISH. The American people.

Mr. SHANLEY. No; I will tell the gentleman about that: He refers to the \$200,000,000 that we have collected. Why should we not have collected it? As long as our American financiers were lending money to England, Germany, and France they had the money, but just as soon as we stopped that they no longer could pay the war debts. We were robbing Peter to pay Paul.

Mr. FISH. How do they pay for their armament if they cannot pay these war debts?

Mr. SHANLEY. That is an internal question, but you may rest assured that the President, in the fullness of his knowledge as indicated in the 1934 message, will fulfill his duty to the Congress.

Mr. FISH. Where do we come in? If the President does not raise his finger to collect these war debts, we will not collect any. And the American people will continue to hold the bag. [Applause.]

[Here the gavel fell.]

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAIM OF HENRY BORDAY, A CITIZEN OF FRANCE

Mr. McREYNOLDS. Mr. Speaker, I call up the bill (H. R. 2911) authorizing an appropriation for payment to the French Government for the account of Henry Borday, a citizen of France, and ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. SNELL. Mr. Speaker, reserving the right to object, to ask the gentleman a question. I notice in this bill authorizing payment of the claim there is allowed 6-percent interest annually for over 20 years. I do not remember seeing any such provision carried in any similar bill.

Mr. McREYNOLDS. I yield to the gentleman from Pennsylvania [Mr. FREY], who is chairman of the subcommittee.

Mr. FREY of Pennsylvania. The bill does not provide for interest, but is a request for \$1,000 on account of injuries sustained in 1916.

Mr. SNELL. The bill states:

The sum of \$1,000 with simple interest at 6 percent per annum from October 3, 1916, until January 2, 1937.

Mr. FREY of Pennsylvania. Is the gentleman reading from the report or the bill?

Mr. SNELL. I am reading from the bill.

Mr. FREY of Pennsylvania. The gentleman is right. The bill does call for interest.

Mr. SNELL. I have never known us to do any such thing with respect to any of these claims.

Mr. McREYNOLDS. I quite agree with the gentleman, and we will offer an amendment striking out the provision with respect to interest.

Mr. SNELL. We do not do that for our own citizens, and I presume the gentleman will offer such an amendment?

Mr. McREYNOLDS. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the French Government for the account of Henry Borday, a citizen of France, as compensation for personal injuries sustained by him due to an assault at his place of business at Port au Prince, Haiti, by two United States marines on October 3, 1916, the sum of \$1,000 with simple interest at 6 percent per annum from October 3, 1916, until January 2, 1937.

Mr. McREYNOLDS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McREYNOLDS: Line 9, after "\$1,000", strike out "with simple interest at 6 percent per annum from October 3, 1916, until January 2, 1937."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SHANGHAI ELECTRIC CONSTRUCTION CO., LTD.

Mr. McREYNOLDS. Mr. Speaker, I call up the bill (H. R. 2912) authorizing an appropriation for payment to the Government of Great Britain for the account of the Shanghai Electric Construction Co., Ltd., and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of Great Britain for the account of the Shanghai Electric Construction Co., Ltd., as full indemnity for losses sustained by the said company as the result of a collision between United States Marine Corps truck no. 1130 and tramcar B. 168, owned by the company in Shanghai, China, on November 29, 1929, the sum of (the equivalent of \$157.20 Mexican) \$78.60.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAIMS OF CERTAIN BRITISH CITIZENS

Mr. McREYNOLDS. Mr. Speaker, I call up the bill (H. R. 2925) authorizing an appropriation for payment to the Government of Great Britain for the account of certain British citizens and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise

appropriated, for payment to the Government of Great Britain for the account of the estate of Samuel Richardson, as full indemnity for the death of Samuel Richardson, who is alleged to have been killed at Consuelo, Dominican Republic, by United States marines on May 1, 1921, the sum of \$1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELEVENTH INTERNATIONAL DAIRY CONGRESS, BERLIN, GERMANY, 1937

Mr. McREYNOLDS. Mr. Speaker, I call up the joint resolution (H. J. Res. 193) to authorize an appropriation for the expenses of participation by the United States in the Eleventh International Dairy Congress, Berlin, Germany, in 1937.

The Clerk read the title of the joint resolution.

Mr. SNELL. Mr. Speaker, I reserve the right to object to ask the gentleman from Tennessee a question. How many people do we send to one of these international dairy congresses?

Mr. McREYNOLDS. The last time I think there were 2, and the number has been as high as 10. They expect to send 10 this year.

Mr. SNELL. You are going to send 10 people over there?

Mr. McREYNOLDS. Yes; there will be quite a number of other citizens who will go and will perhaps be given the same authority, but their expenses, and so forth, will not be paid by the Government.

Mr. SNELL. What will be the qualifications of the 10 who will go over at Government expense and how will they be selected?

Mr. McREYNOLDS. They will be selected by the Secretary of Agriculture.

Mr. SNELL. Will there be fair representation from every part of the country?

Mr. McREYNOLDS. They will be men who are familiar with the dairy industry, and selected from all over the country, of course.

Mr. SNELL. Does the gentleman suppose I could have one appointed from northern New York by recommending a good Democrat?

Mr. McREYNOLDS. I think the gentleman ought to have one because of the cheese industry in that section.

Mr. SNELL. That is what I had in mind.

Mr. McREYNOLDS. And I will help the gentleman get one, and I am sure the gentleman will not object.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the joint resolution as follows:

Resolved, etc., That for the purpose of defraying the expenses of participation by the Government of the United States in the Eleventh International Dairy Congress, to be held in Berlin, Germany, in 1937, an appropriation in the sum of \$10,000, or so much thereof as may be necessary, is hereby authorized for personal services in the District of Columbia or elsewhere without reference to the Classification Act of 1923, as amended, stenographic reporting and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); rent; traveling expenses, purchase of necessary books, documents, newspapers, and periodicals; official cards, printing and binding; entertainment; local transportation and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payment may have been made for any of the purposes herein specified.

With the following committee amendment:

Page 2, at the end of the bill insert:

"Sec. 2. That the delegates shall make a report to Congress of the results and conclusions of the said dairy Congress."

The committee amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. McREYNOLDS. Mr. Speaker, that completes my calendar. I want to say that there are a lot of small bills, but, as the Secretary of State has the right, as have other departments, to settle all claims up to \$1,500, I will not bother the House with them. I thank the House very much for its consideration.

Mr. DIRKSEN. Mr. Speaker, one of the bills reported by the Foreign Affairs Committee is of rare interest and raises an important collateral question. I refer to H. R. 2915, recommending payment of \$300 to one Li Po-tien, a native of China. Had the report been written in breezy journalese it would probably read something like this: Li Po-tien is an olive-skinned oriental charmer who lives in Tientsin, China. Li operates a restaurant and bar. There she dispenses food to the hungry and drink to the thirsty. Li must be a discerning creature, because she soon learned the Yankee art of extending credit. Now, even in far-off China, one cannot indulge so superb a Yankee custom as meat and drink on the installment plan without attracting Yankee customers. And so it came about that members of the United States Marine Corps became customers of quaint little Li.

One such customer was Pvt. Anthony R. Tofil, private in the United States Marine Corps. We shall call him Tony for short. Tony wandered into Li's emporium shortly after midnight on January 3, 1929. It may be that Tony still believed it was New Year's eve. Maybe not. In any event Tony was feeling playful. Playfulness on the part of a fighting marine may have connotations other than those ordinarily associated with the word. In any event Tony's playfulness took the form of a one-man offensive. The record indicates that Tony took out a knife. Probably he made a resounding speech and challenged all China to battle. He, peradventure, dared the shades of all the shogans and shamens of that illustrious country. Perhaps he even challenged the household gods of the land of lotus and cherry blossoms. Then Tony went to work.

The record discloses that Tony cut Li about the hands. He cut her about the arms. He cut her about the face. He cut her about the back. He cut her about the chest. We even assume that Tony wounded her feelings. On that point the prosaic record is silent. It was a vigorous offensive, to say the least, whereafter it became necessary to take Li to the hospital for sundry repairs. Tony meanwhile was apprehended and brought before a general court martial and sentenced to 10 years' imprisonment. If there has been neither pardon nor reprieve, Tony is probably still in prison meditating on things occult and oriental.

Li came back from the hospital restored to body and spirit and no doubt resumed the time-honored custom of permitting the good folks to share her generous hospitality and pay later. Li probably took inventory after the inevitable hospital bill was presented, and concluded that the great and wealthy occidental country that parked Tony in Tientsin ought to assuage her wounded pocketbook. The repairs to Li's face and figure had cost \$54. So Li rendered her bill in true Yankee fashion. The claim was investigated by a United States naval board. They decided that, as a matter of simple justice, without acknowledging any liability, Li should receive some compensation, and so today we are considering that matter in Congress in the form of H. R. 2915, which provides \$300 to assuage Li's wounded feelings and reimburse her for the hospital expense. It is more than 8 years since Tony licked a Chinese lady, and unless the fates intervene, there may soon be rejoicing in the house of Li as some official of this Government bears to Li a check for \$300. On that day probably all of Li's customers will be treated to roast little pig and extra rice and tea as Li praises the greatness, the goodness, and the generosity of the land to the west where the sun sets.

The point to this incident, however, is this: What was Tony doing over there? Why have him in China? Why have any troops in China? If they serve no useful or necessary purpose, why not withdraw them from China and avoid these petty frictions that may one day cause us trouble? To revise an old adage, great wars from little frictions spring, and these frictions can be avoided by withdrawing those troops.

I am informed that today we have approximately 2,306 American soldiers in China. Of this number, 696 are with the Army and 1,110 with the marines. They were stationed there 36 years ago under the provisions of a treaty of 1901. Ostensibly it was an arrangement with other nations to

guard the international railroad. The original reason for maintaining them in China has no doubt disappeared and today they are there because they were there. They are like the wet paint sentry of Queen Victoria's time. Her Majesty was coming down a freshly painted staircase one day and her imperial wrap brushed against the paint. She insisted on having a sentry placed at the turn in the staircase so it would not happen again. The paint dried soon after, but the sentry remained for 16 years. Is it not time in the interest of preserving peace that we take a direct step toward avoiding such provocations as this by withdrawing our troops from China?

Just what could 2,306 American soldiers do if John Chinaman was really aroused. Our whole contingent of troops in China could easily be packed in this House Chamber. To say that they are guarding our interests in China is hardly persuasive. Good will alone will guard our interests, and if that fails, 2,306 soldiers stationed 7,000 or 8,000 miles from home would be of little consequence. To preserve that good will against the petty, irking provocations which may some day destroy it, we better instruct our soldiers to break camp and come back home.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

Mr. KRAMER. Mr. Speaker, I ask unanimous consent that the Committee on Immigration and Naturalization may have leave to sit during the sessions of the House for the next 3 legislative days in the consideration of important bills.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The Clerk will continue the call of committees.

Mr. HILL of Alabama (when the Committee on Military Affairs was called). Mr. Speaker, I call up the bill (H. R. 2291) to amend the act of May 25, 1933 (48 Stat. 73), unanimously reported by the committee.

Mr. SNELL. Reserving the right to object, has the gentleman notified the minority members of the committee that he was going to call this bill up today?

Mr. HILL of Alabama. It has been reported unanimously by the committee.

Mr. SNELL. It is always right and fair to notify the minority members.

Mr. HILL of Alabama. As I said, the bill was reported unanimously by the committee, and I see that the gentleman from New York [Mr. ANDREWS], the ranking minority member, has now entered the Chamber.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act approved May 25, 1933 (48 Stat. 73), be amended by changing the period at the end of the act to a colon and by adding the following words: "Provided, That on and after the date of the accrediting of the said academies by the Association of American Universities the superintendents of the respective academies may, under such rules and regulations as the respective secretaries may make, confer the degree of bachelor of science upon all living graduates of the said academies."

Mr. SNELL. Mr. Speaker, I think the gentleman from Alabama ought to explain the bill.

Mr. HILL of Alabama. I am going to explain it.

The SPEAKER. The gentleman from Alabama is recognized for 1 hour.

Mr. HILL of Alabama. Mr. Speaker, up to May 25, 1933, the graduates of the Military Academy and the Naval Academy were not given a degree by these academies on graduation.

On that date Congress passed a law authorizing the Secretary of the Navy and the Secretary of War to confer the degree of B. S. on graduates of these academies when accredited by the Association of American Universities.

The Association of American Universities is an association of the different colleges and universities of the country which sets the standards for the different colleges and universities.

The pending bill would permit the superintendents of these two academies, under regulations formulated by the Secretary of War and the Secretary of the Navy, to confer

a B. S. degree on those living graduates who graduated prior to the passage of the act of May 25, 1933.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. HILL of Alabama. Yes.

Mr. SNELL. The former graduates of Annapolis and of West Point have never had any degrees?

Mr. HILL of Alabama. No graduate of either one of these academies received a degree until the passage of the act of May 25, 1933. Since that time graduates of these two academies have had conferred upon them the degree of bachelor of science.

Mr. SNELL. And the bill is to confer a degree upon graduates prior to that time?

Mr. HILL of Alabama. Yes; that is the purpose of the bill.

Mr. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. HILL of Alabama. Yes.

Mr. CHURCH. In the current year there will be a number of diplomas or degrees issued. Has the committee considered the matter of expense in going back over a number of years and preparing parchments for each graduate?

Mr. HILL of Alabama. Each man will have to pay for his parchment himself, just as I understand the graduates of practically all of our American colleges and universities pay for their own parchments.

Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

The SPEAKER. The Clerk will continue with the call of committees.

REQUIREMENTS OF APPLICANTS FOR EXAMINATION BEFORE CIVIL SERVICE COMMISSION

Mr. RAMSPECK (when the Committee on the Civil Service was called). Mr. Speaker, I call up the bill (H. R. 2928) to amend the law relating to residence requirements of applicants for examinations before the Civil Service Commission.

The SPEAKER. The gentleman from Georgia calls up a bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the proviso of the second paragraph under the caption "Civil Service Commission" in the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes", approved July 11, 1890, as amended, is hereby amended to read as follows:

"Hereafter every application for examination before the Civil Service Commission for appointment in the departmental service in the District of Columbia shall be accompanied by a certificate of an officer, with his official seal attached, of the county and State of which the applicant claims to be a citizen, that such applicant was, at the time of making such application, a legal or voting resident of said county, and had been such resident for a period of not less than 1 year next preceding, but this provision shall not apply to persons who may be in the service and seek promotion or appointment in other branches of the Government."

Mr. SNELL. Mr. Speaker, will the gentleman please explain the bill?

The SPEAKER pro tempore (Mr. O'CONNOR of New York). The gentleman from Georgia is recognized for 1 hour.

Mr. RAMSPECK. Mr. Speaker, I introduced this bill at the request of the president of the Civil Service Commission, to correct an error that was made in the act of June 18, 1929, when we repealed the act of March 3, 1919, which contained a provision relative to residence in civil-service examinations. Therefore the provision reverted back to an old law requiring 6 months actual residence in the State, and the Commission feels that under this old law a person must have actual residence and not legal or voting residence, which, of course, would mean that people who come to Washington and take positions would lose their residence back in the States. This proposal that we have before us simply fixes the residence required. If a person wants to seek appointment in the departmental service in Washington and has a residence in New York, for instance, the time required to fix it is

1 year, and it shall be proven by a certificate from a local official where the person lives.

Mr. SNELL. I do not know that I am entirely clear. If one has been a resident of the State of New York for 1 year, he can come under the New York apportionment?

Mr. RAMSPECK. That is correct.

Mr. SNELL. It simply means they become residents for 1 year?

Mr. RAMSPECK. Yes.

Mr. SNELL. That is all this bill does?

Mr. RAMSPECK. It provides that they can qualify by what we call legal or voting residence, even though they might be employed in a non-civil-service agency. They could still maintain their legal residence in New York.

Mr. SNELL. A great many people employed here do maintain their legal residence back home.

Mr. RAMSPECK. Yes.

Mr. SNELL. Then this bill is really a protection for the States?

Mr. RAMSPECK. That is correct.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. TABER. I call the gentleman's attention to line 8, where the word "service" is used. Should not that be preceded by the word "departmental" to be clear?

Mr. RAMSPECK. Of course, the bill applies only to the departmental service. I don't think that would be necessary, although I would have no objection to such an amendment.

Mr. TABER. It might be construed as meaning any Government service anywhere. It says "departmental" in line 11, on page 1.

Mr. RAMSPECK. Yes. It applies only to persons seeking appointment in the departmental service.

Mr. TABER. I think it would be safer if the word "departmental" were inserted there.

Mr. RAMSPECK. Personally, offhand, I can see no objection to it. If the gentleman wants to offer that sort of an amendment, I shall not object, though I do not think it is necessary.

Mr. DITTER. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. DITTER. Does this measure in any way affect the status of those people who are presently employed here and not under civil-service status?

Mr. RAMSPECK. Only in case they compete in a competitive examination for appointment in the departmental service.

Mr. DITTER. Does not this really permit those who have been here without civil-service status to come under a registration back home and, therefore, come within the State allotments?

Mr. RAMSPECK. It means, that if they apply to take an examination for the departmental service here they can establish their residence by certificate from some proper official in the State in which they claim residence.

Mr. DITTER. And that is the real purpose of the measure?

Mr. RAMSPECK. That is right. Under the present law it is difficult to establish the residence required, which is 6 months' residence in a State.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. ROBSION of Kentucky. I would like to inquire, and I am sure the gentleman from Georgia knows, how much out of line are the allotments of appointments for the District of Columbia as compared with the States?

Mr. RAMSPECK. I do not remember the figures, of course, but the District of Columbia, Maryland, and Virginia are considerably over quota. There are some other States that have recently passed their quota under the apportionment act. That condition has existed for a great many years, so I am informed.

Mr. ROBSION of Kentucky. The purpose of this measure is to correct that condition?

Mr. RAMSPECK. Yes, to a certain extent. It will enable the Commission to more strictly enforce the apportionment act.

Mr. ROBSION of Kentucky. Assuming that someone has come here to take employment in the Government, in a nonservice position, and has been here 10 years from the State of Massachusetts or Kentucky, and they have not voted in Massachusetts or Kentucky for 10 years, what are the rights of such person to take an examination under this bill?

Mr. RAMSPECK. Under this bill they would have to secure a certificate of an officer with his official seal attached, of the county and State in which they claim legal or voting residence. Whether or not they can establish that residence, of course, will depend on the local State law. The requirements vary in different States.

Mr. ROBSION of Kentucky. Would such person have to show that they actually voted in the State?

Mr. RAMSPECK. I do not think it would be necessary to show that they had voted, but I think they would have to show that under the laws of that State they were entitled to be called a legal or voting resident of that State.

Mr. ROBSION of Kentucky. And entitled to vote?

Mr. RAMSPECK. Yes, sir.

Mr. ROBSION of Kentucky. The gentleman said something about a tax certificate.

Mr. RAMSPECK. No. There is no tax certificate. It is just a certificate from an officer of the State or county where they claim residence, showing that they are a citizen of that county and State.

Mr. ROBSION of Kentucky. How many persons are now employed by the Government who have this nonservice status, employed in the District of Columbia? Does the gentleman have any figures on that?

Mr. RAMSPECK. I could not tell the gentleman how many people in the District of Columbia are not under civil service. There are something over 300,000 in the entire country who are not under civil service, but what proportion of those are in the District of Columbia I do not know.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. BOILEAU. It would be to the advantage of those who are working in the District to maintain a legal residence in some other State, would it not?

Mr. RAMSPECK. I think so, because of the apportionment law.

Mr. BOILEAU. Perhaps it is not directly connected with this particular bill, but I would like to ask the gentleman's opinion as to what would happen in the event we should pass a bill giving to the residents of the District of Columbia the right of franchise. These people who are working under civil service would not be voters of the District. I mean they would not want to give up their voting residence in the various States, so that a large number of people who are to all intents and purposes actually residents of the District would not, as a matter of fact, vote if the people of the District were given the right of franchise.

Mr. RAMSPECK. I think that is right.

Mr. BOILEAU. I think that is one thing that the people of the District of Columbia should bear in mind, that if they want their right of franchise there should be some provision in the law to the effect that those who actually reside here, whether under civil service or not, are expected to vote in the District of Columbia.

Mr. RAMSPECK. Perhaps the gentleman is correct.

Mr. FADDIS. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. FADDIS. Do I understand the gentleman to say this will correct the condition existing at the present time, or at least which existed at the end of 1936, where the District of Columbia is entitled to 154 civil-service appointments and has 9,030, where they have more than 30 other States in this Union? Will this bill tend to correct that situation?

Mr. RAMSPECK. I may say to the gentleman that I did not make any such statement. I said that the passage of

this bill would assist the Commission in enforcing the apportionment law, as it is called.

Mr. FADDIS. It will tend to rectify that condition which exists, where the District gets all of the civil-service appointments, as they do at the present time?

Mr. RAMSPECK. It will assist the Commission in determining the residence of applicants. Of course, that is the first step in applying the apportionment law. I do not mean to say it will take anybody out of a job that they already have. I do not want any misapprehension about it. It would not do that; but in future appointments it will enable the Commission to definitely settle the question of residence.

Mr. FADDIS. Is there not a regulation in force at the present time whereby appointments are supposed to be apportioned throughout the various States according to population?

Mr. RAMSPECK. That is in the original civil-service law.

Mr. FADDIS. Then how does it come that the Civil Service Commission has allowed this unbalanced condition which prevails today to occur?

Mr. RAMSPECK. I do not think I could undertake to explain that to the gentleman at this time. I will say there are a great many reasons for it. One of them is the situation that existed during the World War, when thousands and thousands of people were brought in without regard to the apportionment law, because it was a question of the Government employing any help that was available anywhere. There was a shortage of help. They took them in. Now, the apportionment law does not apply to separations from the service. The District of Columbia, Maryland, and Virginia, therefore, have become overquota under the apportionment act and have remained that way. Another reason why they are overquota is that people from distant States will not come here to accept the lower-paid positions, and a major portion of the smaller-pay positions have been filled from territory surrounding Washington, because people are not willing to come here from long distances to accept such positions.

Mr. FADDIS. I may state to the gentleman, and to the Members generally, that in a few days I am going to insert some figures in the RECORD that will show just how the apportionment of civil-service jobs has been handled throughout the United States, and how the jobs have been distributed.

Mr. RAMSPECK. The gentleman cannot be any more interested in that than I am. I am in favor of the apportionment law and will help do anything I can to enforce it.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. McFARLANE. Permit me to call attention to the fact that employees who have been under civil service more than half a dozen years still have a temporary status, even though they passed a competitive examination. They are being carried along in a temporary status. The State of Texas is one of those States which stands way down on the quota list. There is no complaint of the efficiency of these people carried so long in a temporary status. Why should they not be given a permanent status? Why can we not correct the situation?

Mr. RAMSPECK. Individual cases of that sort, of course, must stand on their own merits. I shall be very glad to do anything I can to help the gentleman correct any case of that sort of which he knows.

Mr. McFARLANE. Not only that, but these people have proof that people from the District of Columbia, from Virginia, and Maryland with a shorter length of service have been placed in the permanent status, whereas people from the State of Texas have not been given a permanent status. I think it is a matter that ought to be looked into, especially when we find arrogant people in some of these departments saying that quotas do not mean anything to them.

Mr. RAMSPECK. I may say to the gentleman that I believe in the apportionment law, and I will do anything I can to help see that it is enforced.

Mr. GREEVER. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. GREEVER. Is the rule with reference to the applicant getting a certificate from a county officer being enforced at the present time?

Mr. RAMSPECK. There is no such requirement under the present law. At the present time a person must show actual residence of 6 months in the State from which he or she claims to come. It is rather difficult to establish those facts. The Commission wants to set up this plan restoring the 1-year period which was inadvertently repealed in the act of 1929, and permit proof to be made by certificate of an officer of the State in which the employee claims residence.

Mr. COLE of Maryland. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. COLE of Maryland. In view of the statement made by the gentleman and others with regard to Maryland being beyond its quota, which I concede to be the case, representing a large part of Maryland, I want it understood that my district is not in that class, although counties bordering on the District may be. The reason for that is that so many Government employees appointed during the World War and at other times took up their residence in the State of Maryland. Coming here from Georgia, Texas, California, and elsewhere because they found Maryland to be a delightful place in which to live and make their future homes.

Mr. RAMSPECK. The gentleman is correct. Some of the cases under the apportionment law have arisen in just that way, the person has come from my own State, settled in Maryland and acquired citizenship there. Thereafter, of course, he is charged to Maryland.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. EBERHARTER. The pending bill requires the certificate of an officer. It seems to me this should be clarified and the kind of officer stated, whether it is an officer of the court, an officer of the law, an officer of the Army, or some other kind of officer. It seems to me this phrase should be made plain, as there is a requirement about legal or voting residence.

Mr. RAMSPECK. I think it is better to leave the language as it is, I may say to the gentleman, for the reason that in one State they may have an election official who does that. In my State it would be done by the tax officials who keep the registration records. We cannot set out the particular official in each of the 48 States. The Commission, however, will require this certificate from the proper official who keeps the records in each State of the residence and voting qualifications.

Mr. EBERHARTER. In other words it will be up to the Commission to make proper regulations as to each State and as to each officer or what kind of an officer in each State must make this certificate.

Mr. RAMSPECK. The gentleman is correct.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. SNELL. What information came to the gentleman's committee that decided the committee to report this bill out at the present time? What is back of this?

Mr. RAMSPECK. I may say to the gentleman from New York that this bill was sent to the committee by the Civil Service Commission in the Seventy-fourth Congress, was passed by the Senate, and the House had reported the Senate bill, but it got lost in the final rush. This is simply a repetition of that request.

Mr. SNELL. I was wondering, after this had gone along so many years, why they are now seeking to change the civil-service requirements.

Mr. RAMSPECK. The act of June 18, 1929, repealed in its entirety the act of March 3, 1919, and also repealed the statute relating to the requirement of legal residence and actual domicile in the case of examinations held by the Civil Service Commission for positions in the District of Columbia. I think, as a matter of fact, nobody realized that that law had been repealed by this act of 1929 until about 2 years ago.

It is just to make that correction that this bill is brought up.

Mr. TABER. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore (Mr. O'CONNOR of New York). Does the gentleman from Georgia [Mr. RAMSPECK] yield for that purpose?

Mr. RAMSPECK. I yield to the gentleman from New York for that purpose; yes.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 2, line 8, after the word "service", insert "with civil-service status."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The amendment was agreed to.

Mr. RAMSPECK. Mr. Speaker, I move the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RETIREMENT OF EMPLOYEES IN THE LEGISLATIVE BRANCH OF THE GOVERNMENT

Mr. RAMSPECK. Mr. Speaker, I call up the bill (H. R. 2901) to amend the act of May 29, 1930 (46 Stat. 349), for the retirement of employees in the classified civil service and in certain positions in the legislative branch of the Government to include all other employees in the legislative branch, and ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. SNELL. Mr. Speaker, reserving the right to object, I think we better find out about these bills. This particular bill is pretty far-reaching.

Mr. RAMSPECK. I may say to the gentleman from New York this is a bill which the House passed during the last session and simply permits legislative employees to take advantage of the Civil Service Retirement Act. It is not mandatory. It is permissive.

Mr. SNELL. The legislative employees?

Mr. RAMSPECK. Yes.

Mr. SNELL. The employees of the House and Senate and our individual offices?

Mr. RAMSPECK. Yes.

Mr. RAYBURN. Mr. Speaker, reserving the right to object, I would like to understand what the gentleman means by "legislative employees"?

Mr. RAMSPECK. They are defined in the bill. That includes officers elected by the Senate or House of Representatives who are not members of either body, the legislative counsel of the Senate and the legislative counsel of the House and the employees in their respective offices, the Capitol police force, the employees of the Joint Committee on Printing and the Joint Committee on Internal Revenue Taxation, and clerks to Members of the Senate, clerks to Members of the House of Representatives, clerks and employees to the several committees of the House and Senate, and all other employees.

Mr. RAYBURN. What does the phrase "clerks to Members" mean?

Mr. RAMSPECK. It means, if they want to avail themselves of the privileges of the Retirement Act within 6 months after the passage of this act, they shall notify the Clerk of the House, and thenceforth the Clerk of the House deducts 3½ percent of their salaries to pay into the fund. If they want to get credit for previous service they have to pay up the amount due for that previous service under the act. They will then have all the privileges that the civil service employees have with reference to the Retirement Act; but it has nothing to do with the selection or appointment of employees, and it does not force them to retire. They are exempted from the age limit.

Mr. RAYBURN. It in no way puts the clerks to Members of the House and Senate under the civil service?

Mr. RAMSPECK. No; it does not.

Mr. PALMISANO. Mr. Speaker, reserving the right to object, does this include the secretaries to the Congressmen?

Mr. RAMSPECK. Yes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. PALMISANO. Mr. Speaker, I object.

The SPEAKER pro tempore. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2901, with Mr. McLAUGHLIN in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of May 29, 1930 (46 Stat. 349), for the retirement of employees in the classified civil service and in certain positions in the legislative branch of the Government, is hereby amended to include all other employees in the legislative branch.

SEC. 2. The provisions of such act of May 29, 1930, shall not be applicable to any employee in the legislative branch who is brought within its scope by section 1 of this act until such employee gives notice in writing to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, that he or she desires to come under the provisions of such act of May 29, 1930. Such notice must be given, in the case of any such employee in the service on the effective date of this act, within 6 months from such effective date, and in the case of any such employee entering the service after the effective date of this act, within 6 months from the date of such entrance.

SEC. 3. The provisions of section 2 of such act of May 29, 1930, and of section 204 of the Economy Act of June 30, 1932, and any Executive orders pursuant thereto, relating to automatic separation, shall not apply to any employee in the legislative branch to whom the provisions of such act are extended by this act.

SEC. 4. The term "employee in the legislative branch" where used in this act shall also include (a) officers elected by the Senate or House of Representatives who are not members of either body, (b) the legislative counsel of the Senate and the legislative counsel of the House and the employees in their respective offices, (c) the Capitol Police force, (d) the employees of the Joint Committee on Printing and the Joint Committee on Internal Revenue Taxation, and (e) clerks to Members of the Senate, clerks to Members of the House of Representatives, clerks and employees to the several committees of the House and Senate, and all other employees.

SEC. 5. In computing annuitable service, all employment prior to July 1, 1919, as clerk to a Representative, Delegate, or Resident Commissioner in his representative capacity shall be recognized as employment in the legislative branch if and when such employment can be shown by records or secondary evidence, and in the case of applications heretofore awarded or denied such cases shall be immediately reopened and readjudicated on the above basis from the date of separation, this provision to become effective from the date of the approval of this act.

SEC. 6. This act shall take effect on October 1, 1937.

Mr. RAMSPECK. Mr. Chairman, if I may have the attention of the members of the committee for a few minutes, I think I can clear up the misunderstanding that apparently some members have with reference to the bill.

This is a proposal that has been pending in the Congress for a great many years. The House Committee on the Civil Service has several times favorably and unanimously reported this legislation. It has passed the House several times, and it passed the House in the last Congress and went over to the Senate, where they substituted an entirely different plan, but it was never acted on in the Senate.

We have what is known as the Retirement Act, which applies automatically to all civil-service employees. This has been extended by legislative enactment to certain other groups in the Federal service, such as the employees of the Federal Bureau of Investigation. We extended it to them last year but did not bring them under the civil service.

The proposal here is to permit, not require, secretaries to Members of Congress, employees of the House and Senate, the Capitol Police force, and other employees enumerated in the bill, generally known as legislative employees, to take advantage of the Retirement Act, provided they desire to do so.

Mr. SNELL. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from New York.

Mr. SNELL. Just what would one of these employees have to do in order to come under the provisions of this act?

Mr. RAMSPECK. He would notify the Clerk of the House if he is an employee of the House, or the Sergeant at Arms office, or the Secretary of the Senate on the Senate side, and thereafter 3½ percent of that employees' salary would be put into this fund.

Mr. SNELL. Would the employee have to pay anything for previous years of service?

Mr. RAMSPECK. If they want credit for the previous service, they would have to pay.

Mr. SNELL. They would have to pay for that?

Mr. RAMSPECK. They would have to pay back to 1920, which was the time the law went into effect.

Mr. SNELL. But if they want to start in as of the present time, they may pay from now on?

Mr. RAMSPECK. That is correct.

Mr. EATON. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from New Jersey.

Mr. EATON. There is no time limit? They can come in now and do not have to pay for the number of years service before this time?

Mr. RAMSPECK. That is correct. They can come in now and we have relieved them from the mandatory retirement provisions of the act, so that if you have an employee in your office who reaches retirement age and you want to keep that employee, you can keep him, while, on the other hand, he may avail himself of the provisions of the Retirement Act.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. BOILEAU. Assuming a clerk of a Member of Congress has had 10 years of service in that capacity and is not able to pay up for the entire 10-year period, but would like to start beginning 5 years ago, could he pay up for part of the time?

Mr. RAMSPECK. Yes; I think that would be permitted. They would get credit for any service they paid for back to the time when they entered the service.

Mr. PALMISANO. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. PALMISANO. Suppose a young lady has worked here as secretary for 10 or 12 years and has paid into the fund, but is not reappointed at the next Congress, what would happen to her?

Mr. RAMSPECK. If she had not had enough service to retire on an annuity, every dollar that she paid in, plus 4-percent interest, compounded annually, would be returned to her when she left the service.

I may also say to the gentleman from Maryland that any employee who avails himself or herself of the provisions of this act and for any reason is separated from the service, we will say, in 5 years, gets back every dollar paid in, plus 4-percent interest. In that case all it amounts to is a savings account.

Mr. PALMISANO. How many years of service are necessary before they will be able to receive these benefits?

Mr. RAMSPECK. They have to be in the service at least 15 years to get the retirement benefits.

Mr. PALMISANO. After 15 years of service, in the event the individual is not reappointed, is there any age limit, or can they voluntarily come in under this system and receive the benefits?

Mr. RAMSPECK. After 15 years of service, if they are separated from the service, they can retire on an annuity, provided the separation was not for cause.

Mr. MANSFIELD. Suppose they retire from the service before the 15 years have elapsed?

Mr. RAMSPECK. They do not get an annuity, but get their money back, plus 4 percent interest.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. LANHAM. If a secretary has already served 15 years and would wish to go into this, would the basis for receiving an annuity be the back payments by that secretary through a period of 15 years, and would those payments make the secretary eligible for an annuity? In other words, how great is the retroactive effect of this to give relief to those who,

for many years, have been serving as secretaries and in other legislative capacities as employees here?

Mr. RAMSPECK. The bill permits the people affected by it to prove all previous service, and if they prove it, then they have to pay up to get credit for it, whatever would have been deducted if the system had been applied to them at that time. So, if they have been here 15 years they would have to pay the deduction back for 15 years if they wanted credit for that service.

Mr. LANHAM. And that would make them eligible, upon the termination of their work or upon retirement, for the annuity payments.

Mr. RAMSPECK. That is correct.

Mr. MAGNUSON. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. MAGNUSON. Assuming that a clerk or employee does not serve sufficient time to get an annuity, the gentleman stated he would get the money back with 4 percent interest.

Mr. RAMSPECK. That is correct.

Mr. MAGNUSON. I would like to inquire, if the gentleman knows, who pays the 4 percent, the taxpayers or does that come out of an investment fund?

Mr. RAMSPECK. The Government invests the funds and guarantees 4-percent interest on it.

Mr. MAGNUSON. The Government guarantees that, so it would come out of the taxpayers.

Mr. RAMSPECK. If the fund does not earn 4 percent, of course, the taxpayers pay the difference.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. COCHRAN. In the final analysis, this simply means that an employee of the legislative branch of the Government shall receive the same consideration as the employees of the executive branch of the Government, provided they pay the money necessary to bring them under the provisions of this act.

Mr. RAMSPECK. The gentleman is exactly correct.

Mr. COCHRAN. In other words, if we had had this law in effect recently, one of the employees who had served here for 40 years and was separated from the service, would have been retired?

Mr. RAMSPECK. That is correct.

Mr. LUCAS. Mr. Chairman, if the gentleman will yield, I would like to ask this hypothetical question.

Mr. RAMSPECK. I yield.

Mr. LUCAS. Assuming a clerk has been in the employ of a Member of Congress in some legislative capacity for a period of 15 years and then takes a furlough of 3 years and comes back into the service, will that individual be entitled to pay into the Government for the 15 years' service that he or she has had and obtain the benefits of this measure?

Mr. RAMSPECK. Yes.

Mr. CROWE. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. CROWE. If a clerk to a Member has 10 years of service, is released, and goes into another branch of the Government, would this carry on?

Mr. RAMSPECK. Yes; if they take advantage of this, they can transfer their retirement credits. If they get a job under the civil service, they can transfer their retirement credits, and the service is credited, so that when they serve a sufficient term and reach the age of retirement they can take advantage of that service.

I want to say one more word; as the gentleman from Missouri [Mr. COCHRAN] pointed out, and perhaps some did not hear it, this proposal simply gives to our own employees exactly the same privileges under the same conditions that the civil-service employees enjoy now. It does not in any way affect the right of a Member to discharge people whenever he wants to, and in no way subjects them to any requirements under the civil-service law. It permits them to take advantage of the system of retirement if they see fit to do so.

Mr. HANCOCK of New York. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. HANCOCK of New York. He is not required to retire at any specified age?

Mr. RAMSPECK. No; we exempt them from that.

Mr. FADDIS. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. FADDIS. Under the provisions of the act if a Member wanted to discharge a clerk, he has more or less of a quasi-civil-service status. Is not that true?

Mr. RAMSPECK. No; that is not true.

Mr. FADDIS. He has paid his money and has a quasi-civil-service status.

Mr. RAMSPECK. The gentleman is mistaken. This has nothing to do with civil service.

Mr. FADDIS. I realize that, but he has paid his money and if a Member of the House sees fit to discharge the clerk do not you think the clerk may not get sympathy from the Civil Service Commission to help him along into another job?

Mr. RAMSPECK. I do not think that is true. This will have nothing to do with that question, because it does not affect any civil-service status. It does not affect that question at all.

Mr. FADDIS. The Civil Service is going to have sympathy with such employees, it being rotten in internal politics. It would have sympathy with the employee because he has been discharged.

Mr. RAMSPECK. The gentleman is entitled to his opinion. I do not agree with him.

Mr. MOSER of Pennsylvania. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. MOSER of Pennsylvania. Is not this paid into a retirement fund administered under the Bureau of Pensions in the Department of the Interior, and has no connection whatever with civil service?

Mr. RAMSPECK. No. That used to be true, but the retirement fund is now administered by the Civil Service Commission.

Mr. MOSER of Pennsylvania. When I got my refund, I got it from the Interior Department.

Mr. REED of New York. Is it not true that most secretaries of Members of Congress are more or less of a professional character? That is, they are skilled, they become expert in that line of work; and if it so happens that a Member of Congress loses out at an election, they invariably find a position with some other Member.

Mr. RAMSPECK. A great many do.

Mr. REED of New York. Would not the gentleman say a majority do?

Mr. RAMSPECK. This would help that type of secretary particularly.

Mr. EBERHARTER. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. EBERHARTER. Will the gentleman inform me about the following: Section 2 provides that a legislative employee must make up his mind within 6 months from date of this act whether he wants to take advantage of the retirement provisions; and if he does not make up his mind within 6 months that he wants to take advantage of it, he is forever barred from coming in under the Retirement Act.

Mr. RAMSPECK. That is correct. As to those now in the service, they are given 6 months to make up their minds. If they do not want to take advantage of the system, they do not have to do it, but thereafter they cannot change their minds.

Mr. EBERHARTER. So that a year from today, if the secretary of one of the Members of Congress decides that he wants to take advantage of this provision, he could not do it.

Mr. RAMSPECK. That is correct; and I think that is a proper provision, because we must have some system about this thing. We cannot just let employees come in one month and go out the next month and so on. That would not work.

Mr. EBERHARTER. Does the same rule or regulation apply to the employees in the classified service?

Mr. RAMSPECK. No; they have no choice whatever about it. They are put under by law.

Mr. SAUTHOFF. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. SAUTHOFF. I want a point clarified. Those who have not been paying in can come under the provisions of this act provided they pay up dues that are in arrears. Is that correct?

Mr. RAMSPECK. Yes. We provide that any employee may get credit for previous service by paying the deductions he would have paid if the law had been applied to him at that time.

Mr. SAUTHOFF. This is my point. Most of them have rather low salaries, and they could not possibly pay it in one lump sum, and it simply means barring them out. Could they pay that in installments out of their salary?

Mr. RAMSPECK. The Commission will permit them to make monthly payments of those back deductions.

Mr. SAUTHOFF. How large would those payments be?

Mr. RAMSPECK. I could not say how they would arrange them, but in almost any reasonable way.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mrs. ROGERS of Massachusetts. My recollection is that the bill came out of the committee unanimously last year and passed the House unanimously last year, and that the bill came out of the committee again this year unanimously. It seems only just to pass this bill again this year in the House.

Mr. RAMSPECK. I think the gentlewoman from Massachusetts is entirely correct. I have never heard of any opposition in the committee, and I do not recall that there was any on the floor last year. I think it passed by unanimous consent.

Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SIROVICH].

Mr. SIROVICH. Mr. Chairman, may I supplement the fine presentation made by the distinguished chairman of our Civil Service Committee [Mr. RAMSPECK] regarding the retirement bill for legislative employees. As ranking majority member of that committee I just desire to make a few remarks regarding legislation that has been enacted in the past, in order to have you completely understand the subject under discussion.

In 1920 Congress passed the first Retirement Act for the executive branch of our Government, which enabled between three and four hundred thousand civil-service employees to be blanketed into the retirement fund without the contribution of one cent. Since that time every civil-service employee entitled to the benefits of the Retirement Act has paid 3½ percent of his annual salary into the retirement fund. The Government contributes about 8 percent every year to the fund. This enables the employee after having reached retirement age to secure a pension of \$1,200 a year.

At the time this law was passed it appertained only to the executive branch of our Government. The bill which our committee has unanimously reported enables employees of the legislative branch of our Government, such as secretaries and clerks to Members of the House and Senate, pages, reporters, police, and others to retire after 30 years' service by paying into the retirement fund 3½ percent of their salaries from the year 1920, or beginning with any year in which they started working in the legislative branch after 1920. This bill will enable our faithful, loyal, conscientious secretaries and other workers in the legislative branch of the Government to have the same privileges enjoyed by the executive branch of the Government. It is optional in its nature. There is no mandatory feature to this bill, and it is simply righting an inadvertent wrong when Congress in 1920 failed to include the legislative workers with those of the executive departments.

Until about the year 1919 a Member of the House received a check each month in his own name with which to pay the salary of his secretary. This bill under discussion also provides that persons who worked as secretaries prior to 1919 may present affidavits vouching for the fact that they had been so employed.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. SNELL. I do not understand that they were paid by the Congressman himself.

Mr. SIROVICH. Up to about 1919 or 1920 a Member of Congress received pay from which he paid his secretaries. I understand it was about \$125 a month.

Mr. SNELL. I have been here for 22 years and I never received one dollar. I know that I never received one dollar in pay.

Mr. SIROVICH. It may be the date is incorrect, but up to about 20 years ago Members of Congress received pay which was supposed to be paid to secretaries. So we do not have a record of the secretaries to Members during that time.

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Chairman, I yield the gentleman from New York 2 additional minutes.

Mr. SIROVICH. As I have stated to the Committee, about 20 years ago the practice of issuing checks to Members of Congress with which to pay secretaries was discontinued, and since then secretaries have been paid direct. If this bill is passed by the House and Senate, and signed by the President, there are only about 10 or 12 employees of the House and Senate who have worked for a period of from 30 to 35 years. If they pay their 3½ percent for the past 17 years, they will have the privilege of immediate retirement.

The Civil Service Committee unanimously reported this bill in justice to the legislative secretaries and clerks who have worked faithfully and loyally for Members of Congress, and I sincerely hope and trust that it will pass without any objection.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. I yield.

Mr. SNELL. I did not understand what the gentleman meant when he said it applied to only 10 to 12 people.

Mr. SIROVICH. There are at the present time about 10 or 12 employees in the legislative branch of the Government who have worked consecutively 30 or 35 years. These men and women have made a career of secretarial and clerical positions. If they lost their positions they would have worked for the Government 35 or 40 years and never be subject to retirement.

Mr. SNELL. I do not understand yet what the gentleman meant by saying that this bill only applied to 10 or 12 people. It applies to everyone who is employed here.

Mr. SIROVICH. It applies to everyone, but it would help immediately about 10 or 12 men and women who have been working 30 or 40 years in the legislative branch of our Government.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. I yield.

Mrs. ROGERS of Massachusetts. The gentleman means if they paid the back assessment for the 17 years?

Mr. SIROVICH. If they paid the back assessment for the 17 years.

The CHAIRMAN. The time of the gentleman from New York has again expired.

The Clerk read as follows:

Be it enacted, etc., That the act of May 29, 1930 (46 Stat. 349), for the retirement of employees in the classified civil service and in certain positions in the legislative branch of the Government, is hereby amended to include all other employees in the legislative branch.

Sec. 2. The provisions of such act of May 29, 1930, shall not be applicable to any employee in the legislative branch who is brought within its scope by section 1 of this act until such employee gives notice in writing to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, that he or she desires to come under the provisions of such act of May 29, 1930. Such notice must be given, in the case of any such employee in the service on the effective date of this act, within 6 months from such effective date, and in the case of any such employee entering the service after the effective date of this act, within 6 months from the date of such entrance.

Sec. 3. The provisions of section 2 of such act of May 29, 1930, and of section 204 of the Economy Act of June 30, 1932, and any Executive orders pursuant thereto, relating to automatic separation, shall not apply to any employee in the legislative branch to whom the provisions of such act are extended by this act.

Sec. 4. The term "employee in the legislative branch" where used in this act shall also include (a) officers elected by the Senate or House of Representatives who are not members of either body, (b) the legislative counsel of the Senate and the legislative counsel of the House and the employees in their respective offices, (c) the Capitol Police force, (d) the employees of the Joint Committee on Printing and the Joint Committee on Internal Revenue Taxation, and (e) clerks to Members of the Senate, clerks to Members of the House of Representatives, clerks and employees to the several committees of the House and Senate, and all other employees.

Sec. 5. In computing annuitable service, all employment prior to July 1, 1919, as clerk to a Representative, Delegate, or Resident Commissioner in his representative capacity shall be recognized as employment in the legislative branch if and when such employment can be shown by records or secondary evidence, and in the case of applications heretofore awarded or denied such cases shall be immediately reopened and readjudicated on the above basis from the date of separation, this provision to become effective from the date of the approval of this act.

Sec. 6. This act shall take effect on October 1, 1937.

Mr. RAMSPECK. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. O'CONNOR of New York] having resumed the chair, Mr. McLAUGHLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 2901, directed him to report the same back to the House with the recommendation that the bill do pass.

Mr. RAMSPECK. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion by Mr. RAMSPECK, a motion to reconsider was laid on the table.

AMENDING CIVIL SERVICE ACT

Mr. RAMSPECK. Mr. Speaker, I call up the bill (H. R. 3408) to amend the Civil Service Act approved January 16, 1883 (22 Stat. 403), and for other purposes.

Mr. COCHRAN. Mr. Speaker, this is a very important bill, and many Members of the House are interested in it. I make the point of order that there is not a quorum present.

Mr. RAMSPECK. Mr. Speaker, evidently there is no quorum present, and I withdraw the bill.

Mr. COCHRAN. Mr. Speaker, I withdraw the point of order.

The SPEAKER pro tempore. The Clerk will call the committees.

The Clerk concluded the calling of the committees.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Speaker, we have completed during the past two Wednesdays the call of all committees. We will have the calendar on next Wednesday, beginning at the head of the committees. Therefore, I ask unanimous consent that further proceedings under Calendar Wednesday be dispensed with today.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. DIRKSEN. Mr. Speaker, in connection with the bills called up by the Committee on Foreign Affairs, I should like to insert a short statement in the RECORD at that point relative to one of the bills. I ask unanimous consent for that permission.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

POST OFFICE AND TREASURY DEPARTMENTS APPROPRIATION BILL, 1938

Mr. LUDLOW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R.

4720, making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1938, and for other purposes.

Mr. TABER. Mr. Speaker, does not the gentleman from Indiana want to make a unanimous-consent request with respect to the time for general debate?

Mr. LUDLOW. Unanimous request was made yesterday for the time to be equally divided between the gentleman from New York and myself.

Mr. TABER. But that was only for yesterday.

Mr. LUDLOW. That was for the whole time of general debate.

Mr. TABER. Very well.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Indiana [Mr. LUDLOW].

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4720, the Post Office and Treasury Departments appropriation bill, with Mr. GREENWOOD in the chair.

Mr. LUDLOW. Mr. Chairman, I yield 20 minutes to the gentleman from Rhode Island [Mr. O'CONNELL].

Mr. O'CONNELL of Rhode Island. Mr. Chairman, on January 8 I introduced two bills, H. R. 2252 and H. R. 2253, for the construction of American dirigible airships. The bill H. R. 2252 authorizes a loan of \$12,000,000 for the construction of two American-designed airships much larger than the *Hindenburg*, an American airship plant in which these two airships may be constructed at the same time in a period of approximately 12 months, and an Atlantic operating terminal for transoceanic commercial operations. Each airship is to be capable of weekly round trips crossing the North Atlantic.

The bill H. R. 2253 authorizes the construction of a large naval airship equipped with and capable of transporting 20 military airplanes with their crews. The airship shall have installed rapid-fire, long-range guns to cover every approach to the airship. The military equipment of airplanes and guns is estimated to cost \$1,000,000. This should demonstrate the value of commercial airships that may be changed to military use in event of war.

These bills do not contemplate the appropriation of Treasury funds without recompense, nor to subsidize private business. The bill H. R. 2252 simply provides an interest-bearing loan with which to demonstrate the safety and efficiency of American-designed and constructed airships and to demonstrate a profit in commercial operations, thus inducing private capital to promote the extension of American commercial-airship service to the important trade centers of the world.

When I speak of American airships, I refer only to dirigible airships which shall be designed and constructed by American engineers, scientists, inventive genius, and expert technical organizations of highest professional talent and may include representatives of the Navy, Army, Commerce, or other departments of the Government, in accordance with section 2 of H. R. 2252.

The latest constructed German airship, the *Hindenburg*, made 10 round trips to America the past summer to demonstrate the practicability of trans-Atlantic airship service and perhaps, incidentally, to impress our Nation as to the superiority of German airship design and construction.

In fact, such changes were the basis of an article printed in the New York Times, January 19, 1936, in which were mentioned several modifications of the original *Hindenburg* design. It may be only a coincidence that these modifications appear to be of a character disclosed in an engineering report on the Respass' American airship design of December 28, 1933, of which many copies were distributed.

Within the past week I received a phone call from an Army officer of the World War, now occupying an important position in a Government bureau. This party stated he had some information concerning dirigible airships, which he wished to disclose to me. I sent a representative to see this officer, who stated he had devised some important improvements in dirigible airships and had submitted his unpatented

ideas and his drawings to one of the highest ranking officers of the German Zeppelin Corporation (whose name may be disclosed at the proper time) who promised to hold his disclosures in confidence and not to use any of the disclosures without proper recompense. He now states at least four features of his plans, shown in the drawings, are incorporated in the *Hindenburg*. This party expresses his willingness to appear before a Congressional Committee with his drawings and to swear to the statements I have outlined, as made by him.

I make no charges against the German Zeppelin organization. The modifications that appear in the *Hindenburg* may have been matters of common knowledge and not patentable. It may have been a coincidence, that construction principles, advocated by American engineers and inventors, appear to be so similar to improvements the German engineers may have already had in mind to be used in the construction of the *Hindenburg*.

I have no personal interest in the construction or operation of any airship. I have, however, a firm belief that the airship may do much to extend our overseas trade and may be a valuable means of defense for our Nation, in event of war. Mr. Respass is an inventor of note; a southerner by birth he now resides in my district of Rhode Island, where a large enterprise founded on some of his patents has been operating for many years and has never been "in the red."

In the development of his airship upon suspension bridge principles, he has employed outstanding American structural and aerodynamic engineers. He constructed and tested a scale model of his airship and has reports of leading American engineers, detailing the many improvements of his construction over the Zeppelin type of construction. Since private capital may not be secured for airships, without an adequate demonstration of profitable operations, he has applied to Congress for an interest-bearing loan with which to make such demonstration as may attract private capital for the extension of airship construction and operations.

This is the fourth session of Congress that has been urged to recognize the American engineer through extending a committee hearing where leaders in their profession may appear to give expert testimony concerning the construction of dirigible airships.

American engineers, scientists, and inventive genius need no endorsement by me. Their superior capability is recognized throughout the world, where monuments to their efficiency are erected in the form of great bridges, modern skyscrapers, great power plants, canals, and other public works. Without the American engineer, scientist, and inventor would we today have railways, steamships, the telegraph, the telephone, the electric light, the radio, moving pictures, automobiles, airplanes, and many other things which are so important in modern life?

Here is a task for the American engineer. Give him the opportunity and he will design and construct dirigible airships far better than any other, and thus America with its ample supply of nonexplosive helium gas may again lead other nations in transportation through its airships, which in time will establish a major form of transportation.

Rear Admiral H. I. Cone, retired, when chairman of the advisory committee of the United States Shipping Board Bureau, told the Federal Aviation Commission that "the Government should build a series of airships suitable for transoceanic passenger and express service." In that way, he declared, "the United States would assume world leadership in the aircraft industry, enabling us at the same time to recapture our lost position in the field of world shipping", adding, "The United States will be left hopelessly behind unless we take steps for building airships to fill out our merchant marine."

Commander Charles E. Rosendahl, veteran dirigible expert in charge of the naval air station at Lakehurst, N. J., in a recent press report is quoted as saying, "The time has come to return some of the anti-airship fire. The United States has built and operated, with at least some success, three rigid naval airships and no commercial airships whatsoever. After 1½ years' service we lost the last two—the *Macon* and

the *Akron*—from causes which could have been avoided. Because full success was not attained in this meager effort that dragged over some 15 years, there are those who clamor for an entire cessation of American airship development." Saying that both American scientific men and businessmen had recommended a commercial airship program, Commander Rosendahl asked, "Can it be possible that American opinion of American scientists, engineers, and operators has slipped to such a low level that so little public support has been given to airships?"

Dr. Max Munk, a leader among American scientists, in an address at the "lighter-than-air forum", Akron, Ohio, July 25, 1935, is reported as saying American airships should be designed and constructed by American engineers and skilled labor; that the German mind and the American mind are so different that Americans can never build German airships as well as the Germans, nor could the Germans build American-designed airships as well as Americans.

Dr. William Hovgaard, a foremost designer of American naval craft and a member of the committee appointed by the Science Advisory Board, known as the Durand committee, to review and analyze the past and present situation as to the design and construction of airships, prepared an important article on Airships for Naval Service, published in the United States Naval Institute Proceedings March 1936, in which the value of the airship for "Coastal patrol—submarine detection," "Strategic scouting—the airship as an airplane carrier," and "Convoy and other services" is briefly and ably set forth.

Here is an outstanding naval and aeronautical authority who appreciates the fundamental military value of airships. Under the section "Convoy and other services" Dr. Hovgaard says, "Rear Admiral W. A. Moffett has stated before the House Committee on Naval Affairs during the World War, as far as we know, no convoy was ever attacked by a submarine when guarded by an airship."

Another member of the "airship jury" appointed to decide this country's airship future, and himself a former leading German lighter-than-air authority, Dr. Theodore Von Karman, director of the Guggenheim Graduate School of Aeronautics of the California Institute of Technology, is quoted in the Oakland, Calif., Tribune, "Expert urges United States to push on with dirigibles—America should not leave this construction to Germans."

I am advised there are many former Zeppelin engineers who are American citizens, and recognizing the high qualifications of American professional talent they urge the further construction of American airships be of American design.

The construction of a fleet of great American dirigible airships, for extending our foreign trade and to be available for national defense in the event of war, should result from the approval of bills H. R. 2252 and H. R. 2253. Strong support for these bills is already assured in both the House and Senate.

We have tried building German type airships in the United States under the direction of Zeppelin-trained engineers, and there is an influential group now urging that we build more such airships or to buy German-constructed airships for American trans-Atlantic service.

Opposed to such American construction of German-type airships, the bill H. R. 2252 provides for an organization of American professional engineers, scientists, and inventive genius, with the cooperation of American technical organizations and representatives of the United States Navy, Army, Commerce, or other departments of the Government, to design and construct American airships to be greatly improved over the present type.

Mr. Roland B. Respass, of Cranston, R. I., head of the corporation named in the bill, is an inventor of note and he has expended large sums in the employment of eminent American engineers and scientists to study dirigible airship construction and improvement. He is today one of the leading advocates of American airships, and with his connections in engineering circles he should be able to form the outstanding organization outlined in section 2 of bill H. R. 2252.

A criticism of the bill H. R. 2252 has been brought to my attention with the statement the loan of only \$12,000,000 is insufficient to build two dirigible airships larger than the *Hindenburg*, an Atlantic operating terminal, and an airship plant as described in the bill. This criticism is undoubtedly the result of insufficient knowledge concerning the type of construction to be employed, and is based on construction costs of Zeppelin-frame airships and of the airship docks constructed at Lakehurst, N. J., and at Sunnydale, Calif.

The difference in the actual construction cost of two Zeppelin-type airships of 8,000,000 cubic foot gas capacity constructed in America and two 8,000,000 cubic foot airships of the Respass design is estimated as not less than \$3,000,000 in favor of the Respass airships; further, the new type airship docks of the Respass suspended-roof design may be constructed \$3,000,000 cheaper than the same size docks of the arch-frame type, as at Lakehurst and Sunnydale.

Thus the new construction provided with a loan of \$12,000,000 may require an expenditure of \$18,000,000 were the older types of construction employed. In other words, for a loan of only \$12,000,000 the Government is protected with improvements that may have cost \$18,000,000 if constructed on the old designs; is further secured by valuable patents or patent rights, by the engineering, to date estimated to be worth several hundred thousand dollars, and all assets the corporation may subsequently acquire. The construction of the airships and airship docks would be without royalty under the patents and without profit. Thus I feel the Government is amply protected in its loan of \$12,000,000.

A Member of Congress has advised he is against Government loans to private enterprise, and if airships are constructed with any Government funds, the Government should own and operate the airships. In that case it is needless for me to point out that the Government should pay a suitable patent royalty and a construction profit. We have had experience with Government-owned airships that were lost, without insurance. The bill H. R. 2252 provides that full insurance shall be carried, and if these commercial airships were damaged or lost the insurance would provide funds for replacement. [Applause.]

Mr. DITTER. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I regret that we have not a larger audience in the House this afternoon.

Mr. HOUSTON. Shall I make a point of no quorum?

Mr. GIFFORD. No; but I wish the gentleman in particular to enjoy himself and to grant me the smile that he always wears.

Mr. Chairman, I shall take a little time during this discussion to talk about the moral climate of the Nation, to which the President referred so feelingly in a recent address. I quote from the President's remarks:

I am justified in believing that the greatest change we have witnessed has been the change in the moral climate of America. Have we reached the goal of our vision of that 4th day of March, 1933? Have we found our happy valley?

I want, therefore, to discuss some of the conditions of the present day as they appear to me to bear on the moral climate of America. I shall discuss a little of finance, the excitement over the Supreme Court, and several other matters, but will not attempt to single out any particular condition for lengthy discussion at this time. I shall read first an excerpt from an article in a magazine of national reputation called *Sphere*, which brings an indictment against the President. These are not my words. They probably came from a much more thoughtful person than I, and carry much more authority than I could possibly assume in what I might say; I quote:

There is one indictment the President will find it difficult to answer, if he can answer it, for its truth stands out where all who look may see—

He is extravagant.

I am in accord with that.

He is the most extravagant ruler known to recorded history.

That is probably true and may be flattering to him.

Not even Solomon who left the people of his country impoverished could hold a candle to him. He has dipped into the stored

reserves of the Nation—those reserves which were created by the sweat and blood of men and women, and he has squandered them. Nor has that contented him. He has "dipped into the future far as human eye could see" and mortgaged everything in sight. He has raided the integrity of every insurance policy in the United States. He has flung the shadow of a possible inflation, worse than a pestilence, over every hearthstone in the country. For every one person to whom he could possibly promise economic security, he deprived 10 of that security.

Nor is that all. The riches of the country are not measured solely in its precious metals, its industrial plants, its buildings, its lands, its fisheries, and its mines. There is another form of riches incomparably more desirable because, having it, all else, in the main, could be recovered and reestablished. That is the moral stamina of a people. Put a man on charity, and, if he is any good at all, a blush of shame is on his face. Make him accustomed to relief, and the blush disappears to become an itching palm that is always extended.

It may be argued that this is not fair, that the need was very great, that hunger was abroad in the land. It may even be suggested that rebellion was imminent, that safety from it must be purchased.

Let it be granted that relief had temporarily to be given. Still, the fact remains that in the face of a recovery that is now well under way, with actual shortages of labor in many, if not most, of the skilled trades, the number of the unemployed to whom Federal doles are given has not greatly diminished. One would have to be somewhat naive to accept the contention that few of this number can find employment.

There were, for instance, some millions of men making a living doing odd jobs in this country and they have been demoralized. There were a number engaged in seasonal employments, who formerly saved enough from their preferential wages to carry them over the idle weeks, or who otherwise handled that situation, but they, too, have had their independence taken from them in the name of charity.

Moreover, it is true that prodigality, in this case as in any other, attaches to itself parasites that must be nourished. Mr. Hopkins could not have kept politics out of his relief work and he did not. Mr. Wallace could not have prevented some rich corporations from garnering rich profits from the Treasury in pursuance of his farm program. Indeed, it was inevitable that loose spending from Washington set an example for comparable loose spending elsewhere, running down through the subordinate governments even into poverty-stricken households.

Talk as you will, exculpate as you may, the fact remains that the Roosevelt administration has been and still is a spendthrift.

These are not my words, but they are worthy of consideration insofar as they may be true.

The cause of humanity! During the 15 years since I have been in Congress, have we been so careless and so entirely unable to understand humanity? Whom did we allow to go hungry? The Democrats seem to claim that the first time we learned of the word "humanity" was when they and their President came into power. This reminds me of the dear minister who asked one of his lady parishioners how she liked his sermons.

She said: "They are wonderful, and so instructive! We begin to think we did not know anything about sin until you came." [Laughter.]

As I often have said, you seem to think that civilization began in 1933, on March 4. You would have the masses believe that before that date no consideration was given to humanity. Some of us remember, however, that from 1922 to 1929 we were quite happy and things were going along very smoothly. Our huge war debt was greatly reduced and the country was prosperous. But you say we did not put on any brakes at all during those days. You forget recent history, how Alabama, Nebraska, Iowa, and many other farming States fairly shrieked when the Republican Administration, through the activities of the Federal Reserve Board, did try to put on the brakes, and did try to stop the farmers from investing and speculating in land. That endeavor was met by the most vicious, the most violent speeches perhaps ever heard on the floor of the House. And how the farmers did plead for the 1921-22 tariff when they found that, after all, the war was the only thing that had saved them from ruin! The Republican Party acted promptly to save them from the ruin facing them as the result of the policies of the Wilson administration.

You should not be allowed to forget that. With further reference to the national debt, I want to remind you that during the month of January 1937—while the gentleman from Pennsylvania [Mr. Rich] has been quoting you deficits from day to day—the deficit of our Government was \$351,-

235,313; not quite a half billion dollars. In the last Congress you appropriated some \$10,000,000,000; and you are now seeing, perhaps, the peak of expenditure of those authorizations.

Mr. HOUSTON. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Kansas.

Mr. HOUSTON. Did I understand the gentleman to say that around 1920 things were very good?

Mr. GIFFORD. I said in the twenties. That goes up to 1929—from 1922 to 1929.

Mr. HOUSTON. That would include about the time the Teapot Dome investigation was under way?

Mr. GIFFORD. Yes.

Mr. HOUSTON. When Mr. Harding was in power, and those boys?

Mr. GIFFORD. Is that the gentleman's contribution and the best explanation he can offer?

Mr. HOUSTON. I will be back in a minute. I have a press conference.

Mr. GIFFORD. Mr. Chairman, the Teapot Dome matter has been an alibi so long I thought it was worn out and almost forgotten by this time. If it is still fresh in your minds and that is all the argument you have, may I say that refers to only one personality in the Republican Party. That is not an indictment against the Republican Party itself.

You have already increased the debt to some thirty-five billion dollars to bring about such "moral climate" as we have. I could bring on a marvelous moral climate in my own community if I spent a proportional amount of that tremendous sum among my people, giving everybody a job and handing out largesse to the voters. I could boast temporarily of a pretty good moral climate, but when my credit was exhausted and I was faced with the necessity of making collections I would not wish to vouch for the further continuance of a satisfactory moral climate.

Mr. SHEPPARD. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from California.

Mr. SHEPPARD. In quoting the indebtedness which the gentleman has mentioned, how much, would the gentleman tell, has been used for relief purposes?

Mr. GIFFORD. That question the gentleman asked me the other day.

Mr. SHEPPARD. No; I have never asked that question.

Mr. GIFFORD. The gentleman knows I cannot give him the exact amount.

Mr. SHEPPARD. Give us the approximate figures.

Mr. GIFFORD. We appropriated \$3,000,300,000 and then \$4,800,000,000 for relief, but, as I stated in my remarks the other day, we should make careful investigation and learn how much money has been diverted to other purposes than real relief.

Mr. SHEPPARD. I still do not understand because the gentleman has not answered my question.

Mr. GIFFORD. I cannot answer the question definitely.

Mr. SHEPPARD. Would the gentleman object to the amount that has been used for relief purposes?

Mr. GIFFORD. No, indeed. And I may say to the gentleman I voted for all relief measures. But I wanted the funds surrounded with some safeguards.

Mr. Chairman, I wish to speak briefly about the corporate devices that have been adopted by this administration. For instance, one was adopted only last Thursday. For what purpose? The excuse given was more efficiency. Why, this method of operation is now so flagrant that it has been called a conspiracy. I have a long list of these corporate devices here in my files. The procedure generally seems to be to have the R. F. C. subscribe for capital stock in some corporation organized, perhaps, in Delaware, or acting under other State charters quite free from Government control. I here call attention to an excerpt from the Brownlow report, which is now under discussion in the Congress:

The corporate device presents factors of flexibility and business efficiency not often obtainable under the typical bureau form of organization. Corporations are generally expected to be self-supporting enterprises and to be no burden upon the Treasury, even

in cases where it has subscribed to their initial capital. They usually have the right to borrow on their own obligations and to use the income derived from charges for their services for payment of their necessary expenses. Freedom from the necessity of appropriations carries with it freedom from various governmental controls and restrictions, such as Budget procedures; personnel regulations governing appointment, discharge, and compensation; and various governmental rules regarding purchase, travel, space, and property. Ordinarily they devise their own systems of accounts, and within the limits of their enabling statutes may incur obligations and settle claims.

Citizens, particularly when they participate in their ownership, are more inclined to expect businesslike procedures from corporations than from direct Government activity. Corporations have demonstrated their business efficiency in such fields as the making and collection of loans, the management of property, and the operation of transportation facilities. They can be held responsible for an entire result by the accomplishments reflected in their annual reports and balance sheets rather than by a minute scrutiny of their detailed transactions.

Mr. SACKS. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Pennsylvania.

Mr. SACKS. How about the money that was lent to Dawes without any corporate entity being involved?

Mr. GIFFORD. That was taken up the other day and very ably answered by the gentleman from Ohio [Mr. JENKINS], and I wish he were now present to reply to the gentleman. I should like to have the gentleman refer to his remarks. The situation was probably nothing like what you apparently think it was. However, enlarge upon it all you wish. Bring up personalities and detached instances, if that is all the argument you have. I am attempting to speak only of general conditions. I am not on the trail of any personality. I am not on the trail of any Democrat, so far as personality is concerned. I have real affection, as you must believe, for every Democrat in this House. If any trail in my study of expenditures should lead to a personality, I fear I should fail in my duty and not pursue it further. My efforts lie only in the general matters of expenditure.

The other day I offered several resolutions to find out who had traveled Europe; where the authorization came from for them to travel, and the amount of money spent under such authorization. Later on, when that information has been gathered, I shall take the floor and comment on those expenditures. Government agents were sent over there to import ideas from Europe to try to make over our country. Conditions over there are not at all the same as they are here. However, I am not seeking to criticize any particular person who may have traveled to Europe.

I want to know the purpose and whether proper authorization was present. I have no one in mind in particular, but do think that these trips have been excessive in number and in certain cases wholly without justification.

Mr. SACKS. How much money was given private corporations when the Dawes loan and other loans were made, and how much for relief?

Mr. GIFFORD. The gentleman would discuss the R. F. C., which is now your most favored and approved instrument of relief. You now applaud it, and how you have increased it. When the Republican Party organized the R. F. C., you Democrats bitterly abused it, saying it was a tool for the banks, insurance companies, and railroads. Now you have accepted it as your choicest creation and have greatly enlarged it. My criticism is, why does not the R. F. C. perform the functions expected of it? They are here constantly setting up corporations within themselves. When they lose money they do not wish it to appear as one of their own activities. They do not want it to appear that they lose on their operations as a lending agency. These corporate devices have been carried too far, and we will hear about them later on. The committee on reorganization must struggle to determine what to do with them.

Together with public officials I attended the other evening dedicatory exercises of a large school building costing nearly \$300,000, during which the statement was made that the President should be thanked for a contribution of \$108,000. I have attended other dedicatory exercises where even the Governor of a State as well as other prominent officials

would grandly proclaim, "You should thank the President and the Democratic Party for this beautiful edifice." Think of it! A Governor of a great State. There is the politics in the situation. I sometimes think they should rather give credit to whom credit belongs, because you Democrats have always said that the Republicans have the most money and the Republicans, of course must therefore pay the most taxes. And if they pay the most taxes they ought to have the credit of paying eventually for these grants. Is it moral climate to tell these people, as in these cases, for instance, that the President and the Democratic Party have made them a grant or, as they are led to believe, a gift of these funds?

Mr. FLETCHER. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. In just a moment. I want to complete the statement first.

One hundred and eight thousand dollars given by the President and the Democratic Party! Will the recipients not have to pay it all back in taxes? In that community in Massachusetts, which has to pay not only for what it gets, but so much more in proportion! Those people who were told that they were given \$108,000, will have to repay it all, and more, in Federal taxes. The poor man in such communities, under our Federal method of taxation, will pay far more than that \$108,000 which they say was given to him; but the masses of the people to whom these grandiose orators speak, probably believe that it really was a gift. I fear they think the Federal Government has actually given them that money and that they will not have to pay it back.

I now yield to the gentleman.

Mr. FLETCHER. I simply want to ask the gentleman a question and I may say that we always like to hear the gentleman speak and he is really much better natured than he sounds, I am sure. [Laughter.] I have just been explaining that the gentleman's technique sounds rather porcupiney, but he has a heart of gold. I wish to ask the gentleman if he objects to being grateful. He seems to criticize; reminding the people that this has been done for them under this administration, yet is it not true that Republican Party leaders for many years went out and chloroformed the intelligence of the people so they could not think, by reminding them that they were the party of prosperity and that they owed their prosperity to the Republican Party that used to exist.

Mr. GIFFORD. I presume the Republican Party in 1928 chloroformed North Carolina and Texas and one or two other States. Personal popularity and the building up of the individual, that is the way to chloroform them.

Thanking the gentleman for his statement about my appearance being harsh, I will share with you, by way of illustration, this story. An old lady met a little boy on the street and said, "Little boy, you should not cry like that." He said, "Cry as you damn please—that's my way." [Laughter.]

Mr. SACKS. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. SACKS. Would the gentleman complain if they thanked those Republicans who paid the taxes?

Mr. GIFFORD. No; my complaint is that these poor people were told they had a gift of \$108,000. What a gift! They have got to pay it all back, and in my State they will have to pay much more.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. RANDOLPH. I thank the gentleman for yielding to me, and may I make an observation for a moment as well as ask the gentleman a question?

Mr. GIFFORD. I shall have the opportunity of revising and extending my remarks and there will be much more than you will hear now.

Mr. RANDOLPH. I may say to the gentleman in connection with the educational help of this administration that certainly those in power in national affairs during the past

4 years have at least been the instrumentality through which funds have been brought to communities that needed school buildings and better educational facilities.

Mr. GIFFORD. I have already granted that, sir; but I simply say do not tell them it is a gift that they will not have to pay for.

Mr. Chairman, my time is running along, and I did want to bring out several matters. I wish to recite something I recently read; it should interest your great President. It may sound paradoxical, but nothing chills a man's love so quickly as a woman's attempts to keep it at a permanent high temperature. [Laughter.] And I say to this great dramatist in the White House—because drama should have been his life—he should pay attention to what he said before election. He has the faculty of bringing in something new. You know what he said before election, though that does not matter now. He said before election that he would clarify the Constitution by amendment, and now, like a bombshell, he comes out the other day and is trying to keep the public mind at a high temperature all the time; and, lo and behold, it has certainly cooled in the last 3 weeks. Thank the Lord that there were no Republicans in the Texas Legislature. They acted without politics in their hearts. They were not goaded by Republican opposition, yet that legislature spoke its own conscience. I have requested my secretary, as you gentlemen probably have yours, to collect data, much comment on matters pertaining to the Supreme Court, and there certainly has been a decided coolness in the letters from many, very many, who so adored him in November 1936. No; he cannot keep this high temperature up.

The trial balloon got a little too far up. You all remember Bainbridge Colby. Do you recognize him now as a Democrat? He was once Secretary of State under a former Democratic administration. He said that it is a sad and shameful day in which we are now living. But I do not want to have to quote these gentlemen. I shall extend my own remarks, expressing somewhat carefully, I hope, my own individual opinion on this vital matter. But sometimes I want to ejaculate, and I hope it may be heard far away. Moral climate! The mayors of wealthy cities and Governors of wealthy States have come down here, hat in hand, for relief; and if they did not come here and demand their share and get all they can, they could not possibly be re-elected—they would be counted as men unfit to hold public office. Then you ask me how much has been spent for relief! Of the many letters that I wrote as a Congressman to the department heads, one was sent to our friend Harry Hopkins about 4 years ago. I did not even get a reply. Those who were here then will remember that as a member of the Committee on Expenditures I talked about how the relief money was spent. We had Mr. Hopkins before us one morning for discussion; and when I started to question him every Democratic member of the committee began to heckle me and to protect him, until he was so encouraged that he said to me, "How can I discuss relief with you, who know nothing about the subject?" Yes; he was decidedly independent, yet I do not dislike him even for that.

However, I had a list of 20 cities with a tax rate running less than \$20—less than 3 percent for corrective and relief purposes—and I asked him why he let those towns and cities have money, and he would not answer. That is a sample of the present moral climate. Some of my mayors ought to come here, because certain of my cities greatly need assistance, but there are plenty of others who should be ashamed to and would be, except that they know the money is going to be spent anyway, and feel that they should get their share. Then so far as these dedicatory exercises are concerned, I congratulate them for having constructed these buildings, because that money raised is going to be spent somewhere, and every section must do what it can and get as much as it can, as a practical proposition. My conscience does not feel too good about it, in having to make such a statement, but is not that the only practical answer? I think so. I cannot blame them. The moral climate forces our mayors and Governors to come here and get every dollar of that money that they can get, and it should be given to them as their proper share.

There are a great many more topics that I hoped to discuss. Perhaps one or two of you who may read my remarks will wish to pick me up on some point, but I promised to yield and not take all the time, because my colleague is very desirous of being recognized. I should otherwise be very glad to yield, but in closing I ask you, would you kindly study that subject I mentioned, namely, the creditor devices of our Government, having in mind what I have previously pointed out to you with reference to the bookkeeping of the Treasury Department.

Have you forgotten that? Have you looked that up? Was I not telling you the truth about it? But these corporate devices need study. I hope I have suggested something worthy of your attention along that line. [Applause.]

Under leave to extend my remarks, I include the following:

But there is nevertheless one bright spot in this rather gloomy picture of a weakening of America's moral fiber and a willingness to let a misguided sense of temporary self-interest outweigh the lasting best interests of the Nation. It shows that millions of Americans have retained their faith in the fundamental verities, although it took a severe shock to awaken many of them who have been lulled into a sense of false security by pleasant-sounding phrases and benign promises.

I refer to that most encouraging thing of recent days—the tremendous and voluntary response of the people to the pernicious proposal to subjugate the judiciary to the Executive. I say "voluntary", since no one can describe as propaganda, inspired by special interests, the flood of letters in opposition to the President's proposal. Not form letters in any sense, they display the strong personal feelings of their writers upon this vital subject. They give evidence of serious thought and much originality of argument and expression.

The American citizen, when finally brought face to face with a really great national issue, can reach a sound decision thereon. And I may add that thus far the hundreds of letters which I have received have been, with one exception, absolutely in accord in their wholehearted expression of opposition to the President's proposal, as it affects our Supreme Court. Never have I known such complete unanimity.

The people have seen through the camouflage of fair words and the sugar coating of desirable minor improvements to the whole judicial system with which the "pill of bitterness" was surrounded.

In many instances their native intelligence led them straight to the truth even before it was disclosed by countless editors and commentators in the country's press. However, the more newspapermen, educators, lawyers, and statesmen delve into the subject, the more clearly the fundamental facts emerge—the more obvious becomes the President's efforts to accomplish an aim which is primarily personal, under the guise of desirable general reform.

It is indeed no wonder that the shafts which have been directed against his proposal from all directions have been stinging and biting.

This mighty ground swell has been no "insensate clamor", as characterized by the Attorney General. To him Senator GLASS paid his respects in no uncertain terms.

The Executive may be indifferent to the fundamentals of our American institutions and the checks and balances provided in the Constitution for the safeguarding of our democratic form of government—checks which have become personally irksome to him, but obviously the Nation is not.

The country's true patriots, regardless of political party and for once in astonishing agreement, are convinced that this present proposal is not one primarily designed to improve general conditions in the Federal judiciary. The chief provision in underlying importance is the one cleverly calculated to destroy the value of the Supreme Court as one of the integral parts of a carefully planned and balanced system of government.

If after serious study and consideration it should be found that the Court, in its proper pursuance of precedent and application of strictly legal principles, has not been truly serving the purpose intended by the framers of our institutions, the Constitution provides the remedy. Indeed, the President himself plainly asserted this to the Nation when

he was seeking reelection last fall. He then told the electorate that "if necessary" these objectives could be achieved through a "clarifying amendment" to the Constitution. Possibly this is one of the reasons why the country has been so genuinely shocked by this new proposal of his, and why you and I have received so many letters from people admitting that they voted for Mr. Roosevelt last November, but emphatically stating that they would not have done so had they suspected that he would now be acting in such a manner.

If a clarifying amendment is actually needed, does the President no longer trust the large majority which re-elected him to office? Does he place little confidence in the fundamental judgment of his own supporters? Of course, it has been suggested that in many State legislatures reactionary lawyers predominate. It is no argument to say that constitutional amendment is a long drawn-out process. Recent history has clearly shown that an amendment can be ratified in short order when the people believe that it is desirable and necessary. This would probably create as much interest as did the prohibition amendment. Obviously, he believes that the Congress will be more subservient to his will than would the Nation as a whole in this vital matter. Hence his attempt once more to achieve his ends by indirection and devious methods. It is, however, unfortunate for him that he preferred to employ them rather than face the situation, as he sees it, with frankness and sincerity. I have called this present method of approach "clever", but that word was not justified. It has been so crude that it has fooled nobody of intelligence and intellectual honesty.

Already any number of incontrovertible reasons have been advanced to explode the myth that additional Justices are needed, either for speed or efficiency. Indeed, the utter fallaciousness of that argument has been well established.

Permit me to read to you from an editorial appearing in the Hartford Courant—

In his (Lincoln's) first inaugural address he said: "While it is obviously possible that a decision of the Court may be erroneous in any given case, still the evil effect following it—being limited to that particular case, with the chance that it may be overruled and never become a precedent for other cases—can be better borne than could the evils of a different practice." Contrast that with the attitude now taken by President Roosevelt who, smarting under decisions of the Supreme Court holding certain of his pet measures unconstitutional, proposes to pack the Court with judges who will see eye to eye with him. For disguise it as he may with all the arts of sophistry, that is clearly his purpose.

Can anyone honestly doubt that such is, indeed, his purpose? Certainly the Nation at large is unshakeable in that belief and I call it a most encouraging sign.

Mr. DITTER. Mr. Chairman, I yield 25 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Chairman, I wish to address the Committee a short time on some matters that I think are of importance to the membership of this House. I shall not talk to you as Democrats or Republicans, but as citizens, because, after all, you should be as much concerned about our country as I am. I am satisfied in your several communities you all bear a splendid reputation for being careful, honest, sensible men, men who believe in keeping your promises, paying your honest debts. This is your country and mine, and whatever is helpful to you and your children in government is helpful to us Republicans and our children.

May I invite your attention for a short time to the mounting increase of taxes, of debts, and of deficits? President Roosevelt as a candidate for President in 1932 announced that these taxes are taken out of the sweat of those who toil in the shops, in the mines and factories, and on the farms and railroads, as well as others of us who are not otherwise engaged. Therefore, he declared in 1932 these mounting taxes must be reduced, and the burden on the backs of the people cut down. That was a very sound and splendid declaration.

In the last year that Mr. Hoover was in office as President we collected \$1,800,000,000 in revenues and taxes, but it has jumped and jumped and jumped so that in the fiscal year of

1936 we will have received over \$4,115,000,000 in revenues and taxes.

Mr. SOUTH. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. In just a moment after I have finished my statement, if you please.

The Secretary of the Treasury estimated that the amount of money that will be collected this fiscal year is \$5,828,150,719, and in the new fiscal year beginning July 1, 1937, we will collect \$7,293,607,197. That tax and revenue is four times the amount it was in the last year of the Hoover administration.

Mr. SOUTH. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield.

Mr. SOUTH. Is it not a fact that the national income has practically doubled from the last year of the Hoover administration down to 1936?

Mr. ROBSION of Kentucky. No, I do not think so. But we cannot measure everything by 1932, in the depths of the depression, as to income. If this \$7,000,000,000 this year were taken from the rich only, there might be some justification; but it is taken from all classes, including the poorest of our land. Everybody who eats, wears, or consumes anything pays his part of the burden of these taxes. In fact, we have reached a point in this country where at least 25 cents out of every dollar goes for government. It comes out of the wages of the toilers, the pensions of the disabled veterans, and the widows' meager income. The tax on meat is at least 25 percent. Bread and everything that is consumed bears this tremendous burden of taxes. It is the common people of America who will pay the big end of this \$7,000,000,000 or more of taxes and revenues in the fiscal year beginning next July.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield.

Mr. CRAWFORD. Has the gentleman had an opportunity of surveying the report issued by Young & Utley of New York, wherein they forecast that by 1950 our cost of taxes in this country, Federal and State, will run \$19,000,000,000 per annum, not including social security? That is nearly 100 percent increase over what it is today.

Mr. ROBSION of Kentucky. I thank the gentleman for his contribution. Now, if this tremendous increase of taxes was taking care of the expenses of our Government it would not be so bad, but every year we see more deficits and our national debt growing by leaps and bounds. Oh, my friends on the Democratic side pass our criticism off as a matter of politics, but you would not carry on your business in this way. Your bank does not do it that way. Your merchant nor your sensible farmers do not do it that way. They could not do it and survive. It would mean bankruptcy.

Then our Democrat friends say, "Oh, well, it is an emergency." I am one of those who are willing to provide for and take care of and protect those who cannot take care of and protect themselves, but one of these days we will have to cut down on a lot of useless expenditures. We will have to restore economy and common sense in Government. We cannot go on forever increasing taxes and at the same time increasing the deficits, debts, and obligations of this Government. We cannot tax or spend ourselves into prosperity.

Our national debt, as reported, now is approximately \$35,000,000,000. A distinguished Democratic Senator a short time ago said it was \$40,000,000,000. Then another distinguished Democratic Senator replied, "You are too conservative. If we cast up all of the obligations of this Government it will reach \$45,000,000,000." Yet we are going on day by day increasing taxes and increasing the national debt of this country. The deficit for the first half of the present fiscal year is reaching toward \$2,000,000,000.

During the election my Democratic friends said, "The depression is over", but after election we have been spending most of our time extending the life of these emergency measures, not for 1 year, not for 2 years, but for 2½ and 3 years more. There might be some excuse for it if we had accomplished what we said we were going to accomplish by these tremendous expenditures and these heavy taxes, that is,

restore employment in this country and bring America back to a normal condition. But have we accomplished that? The American Federation of Labor in a recent statement told us there are approximately 10,000,000 employables in industry in America out of work. Yet that does not include the great army of men who toiled on the farms but who are now out of work. Let me leave this thought with you. If you take off the Government pay rolls those now employed by the Government—I do not mean its officials and clerks—you will have more people unemployed in America today than we had in June 1933 when you Democrats passed your first great relief appropriation bill for \$3,300,000,000.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield.

Mr. HEALEY. I say this just in the spirit of trying to correct the gentleman's figures, and I know he will accept it in that way: The gentleman does not mean to say that the figures of the American Federation of Labor include those persons who are on W. P. A. rolls, does he?

Mr. ROBSION of Kentucky. I did not say that. I said they did not.

Mr. HEALEY. The present figures of the American Federation of Labor are exclusive of those persons who are on W. P. A. rolls, because the American Federation of Labor does not consider that those are jobs.

Mr. ROBSION of Kentucky. The gentleman is wrong there.

Mr. HEALEY. I am simply quoting the words of the president of that organization himself in a statement made to our committee sometime last year, that they did not consider that persons on W. P. A. rolls occupied jobs.

Mr. ROBSION of Kentucky. In June and July of 1933 our Democratic friends said: "Give us \$3,300,000,000 to spend as we please and by Labor Day, 1933, we will have six of these ten millions of unemployed back to work."

Mr. HEALEY. Will the gentleman yield for one further observation?

Mr. ROBSION of Kentucky. Briefly, but not for a speech. I yield to my associate on the Judiciary Committee.

Mr. HEALEY. I call the gentleman's attention to the fact that there are as many people employed today within 3,000,000 as there were at the peak of 1929 prosperity.

Mr. ROBSION of Kentucky. The gentleman's own President, in his message of 1936, told the Congress that there were at least 5,000,000 families in America needing relief; and the average family consists of 4.3 persons, according to Mr. Hopkins. So, according to the message of the gentleman's own President, there were in 1936 more than 20,000,000 Americans needing relief; and on top of that Mr. Hopkins comes along and says: "Yes, there are 20,000,000." And we have that 20,000,000 after what? After we had appropriated \$3,300,000,000; after we had appropriated \$4,880,000,000; and we still have it even, as the gentleman from Texas [Mr. BUCHANAN], the chairman of the Appropriations Committee, said the other day on this floor, when we add the additional \$790,000,000 to carry relief to June 30, 1937, by which time we shall have spent in this country \$15,330,000,000 for relief and recovery.

Mr. KITCHENS. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. For a brief question.

Mr. KITCHENS. Does the gentleman make any distinction between the old standard of living and the new standard of living which the President wishes to establish in this country?

Mr. ROBSION of Kentucky. He was not referring to the old standard or to a new standard. So far as I am concerned I wish to God we had the standard in my section of the country now that we had a few years ago.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield at that point for another question?

Mr. ROBSION of Kentucky. I wanted to pass to another subject, but I yield briefly.

Mr. CRAWFORD. This fits in so well with what the gentleman is saying. Will the gentleman agree with me that any kind of labor that is paid for through the raising of taxes has no exchange value; and that whether we have

3,500,000 or 20,000,000 people engaged and paid from tax money there is no exchange value to this labor?

Mr. ROBSION of Kentucky. There might be some exchange value, but such a condition does not denote any real progress, and does not add any wealth to the Nation—we are taking from one pocket and putting it in the other.

Mr. CRAWFORD. If there is exchange value I hope the gentleman will at some later date show how there can be exchange value in that kind of labor.

Mr. ROBSION of Kentucky. This is what is worrying me, Mr. Chairman: We have spent all this money, we have increased this debt, and yet the big problem of unemployment is still pressing before our country. It must be solved. I am contending, Mr. Chairman, that we have not solved the great problem of this depression. You Democrats can talk about it during the campaign, but it is not solved when you have nearly a million railroad men walking the streets and highways of this country looking for work. It is not solved when you have tens of thousands of miners looking for work they cannot find, and when you have millions of others looking for work they cannot find. It is not solved and it will not be solved until America puts back to work these unemployed people who want to work, so they can make their own living for themselves and their families without being subject to the dole. What has any family to offer its sons and daughters when the family has to depend upon the meager dole? You have not solved the problem yet until our citizens are given opportunities to support themselves.

There are some things, however, that can be done about this unemployment problem under the Constitution. One of these days you and I will have to rise up and just represent America. It is generally agreed now that there are in this country around 7,000,000 aliens. I certainly have no feeling in my heart against any alien. It is generally agreed now that there are around 3,500,000 aliens in this country in violation of the law. There are here, however, and they have either got jobs or are on relief, on the backs of the taxpayers of America.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield for a brief question?

Mr. ROBSION of Kentucky. I yield.

Mr. DICKSTEIN. Where did the gentleman get the figure of 3½ million aliens illegally in the United States? Is it based on anything except what he has seen in a newspaper or on a statement made by some of our colleagues?

Mr. ROBSION of Kentucky. It is based on statements I have heard made before committees and that I have heard made in general discussion on the floor, and from other sources.

Mr. DICKSTEIN. Would the gentleman be interested in the proper statistics?

Mr. ROBSION of Kentucky. I have heard the gentleman give his views many times, and I thank him, but I have not the time now to go into this matter further.

Now, some people say, "Oh, that is not the right principle to follow." But let an American go to Italy, to Switzerland, to France, or to Germany and try to get a job. How do they handle the matter? They first find out if there is a German citizen, a French citizen, or an Italian citizen who can do the job. If they can, the American citizen stands aside. We do not have a lot of Americans across the sea on relief. Why, not so long ago in Paris, France, a few Americans became stranded, and it was necessary to give them relief. Inside of a week they were on a ship headed for America. It is not right to give these jobs to these aliens while we see our defenders and other citizens walking the streets of this country, as well as the sons and daughters of the veterans of this country, trying to find work. Take hold of that problem, and you will create a great big place in America for the unemployed American citizens and take a big load off the backs of our taxpayers.

We come now to the farm problem. Here we burn our pigs, destroy our hogs, plow up our wheat, corn, oats, and cotton, take 30,000,000 acres of productive land out of production and tax the miner, the railroad man, and the factory worker and everyone else to pay the farmer not to produce

in America, and force millions of farm laborers and farm tenants on relief. Then what do we do? We come along with these reciprocal-trade agreements, cut down the tariff, and let in farm products—corn, wheat, oats, rye, barley, pork, and beef—from foreign countries and enough to have used these 30,000,000 acres.

There was a great deal of argument the other day in favor of these reciprocal-trade agreements. I have the highest respect for Cordell Hull. I served with him as a Member of this House; I do not think there is any finer gentleman; but Mr. Hull is against the protective tariff. I have heard him make speeches. We must protect the American laborer and the American farmer and American industry, and I think, therefore, he is the wrong man to make these agreements for America involving this most important question. How can it be argued that these reciprocal-trade agreements are good for America?

In 1934, the last year before the reciprocal-trade agreements went into operation, the balance of trade in favor of America was \$478,000,000. In other words, we sent \$478,000,000 worth of products across the sea more than was received in this country from foreign nations. You will admit 1934 was not as prosperous a year as 1936. In 1935 the reciprocal-trade agreements were put into force, and what happened? Our balance of trade drops from \$478,000,000 to two-hundred-and-thirty-million-and-odd dollars. The balance of trade is cut in half.

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. ROBSION of Kentucky. Mr. Chairman, in 1936 what was the balance of trade? Reduced to almost nothing—\$34,000,000. And in this year, 1937, while I am not a prophet nor the son of a prophet, you will find our balance of trade will be wiped out. If you are going to continue to cut down this balance of trade and wipe it out entirely, how in the name of high heaven can it be said that America is being benefited by these trade agreements. You see more products coming into this country than we ship out.

Mr. Chairman, we need two things in this country. We need protection for the American farmer, worker, and industry, and we need protection on the question of immigration. My friend, the gentleman from Massachusetts [Mr. HEALEY] is a great friend of labor, but if we continue to shorten the hours and increase pay in America, how are we going to compete with those fellows across the sea with their long hours and low wages? It cannot be done. We can protect our own workers by the tariff and immigration acts. How can the American farmer of this country compete with the peon farmer over yonder, the farmer in South and Central America, India, China, and Japan? It cannot be done. So the reciprocal-trade agreements hurt our farmers and workers.

Mr. Chairman, this great American market must be saved and protected for American workers, farmers, and industry. Let us not barter away the 90- or 92-percent home market for an imaginary 3-, 4-, 6-, or 7- or 8-percent foreign market.

One other thought. It is said that Mr. Hull made it clear to the committee it was not a matter of dollars and cents he had in mind in making the trade agreements—it was world peace. Well, commerce is business. It is not philanthropy. It is just a hard-headed business proposition. He says that it would help us keep the peace of the world.

Throughout the years every time we try to touch on the foreign immigration problem they say, "Keep your hands off." It will make Japan or some other country mad.

Mr. Chairman, foreign governments owe us \$12,000,000,000 we loaned to them to save them. We sent the flower of the young manhood of America across the seas, and before we get through with that great war it will have cost America more than \$100,000,000,000. Trying to do what? Trying to save these folks. Now they say, "If you will surrender your trade to us, turn over to us the big end of that great, rich American market, then we will be good and we will love you."

Mr. Chairman, we have a very serious and valid criticism to make of this administration. There has been no real

effort or zeal shown in trying to collect this money from these foreign governments. It will not do to say they do not have the money.

Mr. RANKIN. Will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to the gentleman from Mississippi.

Mr. RANKIN. During the Republican administration there was a measure passed to refund the foreign debt and the interest was reduced so far below what we have to pay on the outstanding bonds that it cost the American people \$6,200,000,000 even if the foreign governments were to pay every dollar they owe us. In other words, you virtually gave away \$6,200,000,000 in order to strengthen the foreign securities of Wall Street financiers.

Mr. ROBSION of Kentucky. I was a Member of this House when those settlements came before it for consideration. The Congress appointed a very distinguished commission to study the question.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. ROBSION of Kentucky. On that commission, I believe were two or more distinguished Democrats. One of them was the very able, splendid, and honorable Charles Crisp, of Georgia. This committee, after making a study of the matter over a long period of time, brought in a unanimous report and told the Congress, "Settle on these terms—this is all these foreign nations can pay." The agreement was made and as long as the Republicans stayed in power we made them pay. [Applause.]

Do not forget the Wilson administration turned the billions over to the foreign countries.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. Did you ever stop to think that all of these countries stopped paying after Mr. Roosevelt was elected President?

Mr. RANKIN. The gentleman has not forgotten the Hoover moratorium, has he?

Mr. ROBSION of Kentucky. No; I have not forgotten that.

Mr. RANKIN. Which encouraged these foreign countries to cease their payments on these same debts. That was in 1930, before the revival of righteousness in 1932, which brought in Mr. Roosevelt.

Mr. ROBSION of Kentucky. No; in 1930 there was a world depression; but in 1932 they were paying. It was in 1933 that they quit, and I have not heard any statement made or of any real effort to make these foreign governments pay this money. I think that France, England, and Italy, and these other nations ought to be given to understand that we do not approve their conduct in not paying this honest debt to the American people.

Mr. RANKIN. Mr. Chairman, will the gentleman yield further?

Mr. ROBSION of Kentucky. I am in favor of an individual's paying his honest debts, and I was grieved to hear one of our friends say yesterday that one day your country and mine would repudiate its honest debts. I hope I shall never live to see that day come. I want our country to say to these other countries that they must pay their honest debts. They have the money. England announces she is going to spend \$7,500,000,000 for war purposes during the next 5 years, Italy is spending tremendous sums, and France is spending tremendous sums, not only to fortify their own borders but to help fortify other nations; and yet they refuse to pay us, when our boys and our money saved them.

Mr. RANKIN. Now, will the gentleman yield?

Mr. ROBSION of Kentucky. I cannot get into an argument with my friend from Mississippi.

Mr. RANKIN. The gentleman does not yield?

Mr. ROBSION of Kentucky. Let me get through with my statement.

Mr. RANKIN. I thought the gentleman had used the 5 minutes.

Mr. ROBSION of Kentucky. I think that you folks who are in the majority here and who have control ought to

give these countries to understand that they cannot have good standing with America and Americans until they begin paying their honest debts instead of creating great armies and navies to endanger the peace of the world.

With all this threat of war, I may say to my good friend the gentleman from Indiana [Mr. LUDLOW], I more and more appreciate his earnest efforts to promote world peace. Russia, Italy, Germany, France, and other countries are rattling their sabers.

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. ROBSION of Kentucky. I am sure every other Member of this House entertains my own feeling that we will be as old as Methuselah before we ever vote another dollar or send another boy across the seas to help fight their battles in view of the repudiation of their honest debts by the nations we have saved. [Applause.]

Mr. LUDLOW. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Chairman, of course I am in favor of foreign countries' paying their debts. I voted against the refunding bill and I was one of the men who opposed the Hoover moratorium on foreign debts.

I have not arrived at the point where I think foreign countries will not pay these debts. I am opposed to canceling a single dollar. They will either pay them or they will always owe them so far as I am concerned. I think the time will come when they will pay every dollar of them.

But I want to remind the gentleman from Kentucky [Mr. ROBSION] that during the Republican administration, when Wall Street or the money power wanted to increase the security of their loans abroad, they trumped up this scheme to fund these foreign debts. England had already offered to pay hers in 25 years and pay the same interest we were paying on our outstanding bonds; but this would not have strengthened the security of certain big American bankers in foreign countries, so they trumped up this scheme to fund the foreign debts, extending the payments over 62 years and reducing the rate of interest so far below what we are having to pay on our outstanding bonds that it would cause a loss to the American people of \$6,200,000,000 over that 62 years, even if they paid every dollar of it.

Oh, the gentleman from Kentucky [Mr. ROBSION] says that they were paying in 1932. I do not have the record before me, but I do know that during 1930 Mr. Hoover, in order to placate those same financial interests, made another movement which further encouraged them to cease payment of these debts, when he asked for his moratorium, and if I can find my reply to his telegram which he sent me at that time, I should like to insert it in the RECORD.

At that time the foreign countries were led to believe by those tactics that the American people were in no hurry to collect these debts, they were led to believe by these financial interests that had these investments in foreign countries that they were going to help them cancel them, and if they had their way, the very interests that financed the Republican campaign last year would cancel these debts, in order to strengthen their securities in foreign countries.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. Did the gentleman vote for these debt-funding bills?

Mr. ROBSION of Kentucky. Yes. Will the gentleman yield?

Mr. RANKIN. I yield for a question.

Mr. ROBSION of Kentucky. There was a moratorium in 1930, but back in 1932 several of the countries commenced paying. Now, according to the gentleman's own contention, we are out of the depression, and why does not his administration have them pay up. Who is having the moratorium now?

Mr. RANKIN. Mr. Chairman, I am just as much in favor of the foreign countries' paying their debts as is the gentleman from Kentucky, and I can say that I never cast a vote on this floor to take money from the American people in

order to reduce that debt, nor have I encouraged them to default by a single vote I ever cast in this House.

But inasmuch as the gentleman from Kentucky voted for the debt-funding bill, which cost the American people \$6,200,000,000, it comes with poor grace from him now to come here, after his own President had granted this moratorium which further encouraged these countries to cease their payments, and jump on the Democratic administration because we do not say, "You must pay." Let him and the party he represents stand by those of us who are willing to say they will pay these debts or they will always owe them, and if we take that position they will pay every debt owing us and we will collect interest on it.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. LUDLOW. Mr. Chairman, I yield the gentleman 1 minute more.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. PIERCE. What are they going to pay the debts with? We have half the world's gold now, and it is a whole lot of nonsense. We will not let them bring their goods here. We do not want their goods; we can make better goods than they can. Is not this a lot of buncomb on both sides, talking about paying the debt? The gentleman and I know that they cannot do it.

Mr. RANKIN. Oh, they will pay sometime, but the gentleman from Kentucky belongs to the party that raised the tariff walls, and he helped to do it, which brought about the wreck of the economic structure of the world and prevented them from paying us in goods. He said then, "You cannot trade with us." But did he say by his vote "You must pay what you owe us"? No; his party did not say that. They said that you cannot trade with us, and then turned and winked at them, and under the pressure of Wall Street brought in this refunding bill that extended the payment from 62 years at a loss of \$6,200,000,000; and later on, not satisfied with that, under the same pressure the Hoover administration brought in a moratorium that further extended the time for the payment of these debts and encouraged them not to pay them at all.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. Yes; for a question.

Mr. MICHENER. The tariff has been mentioned. The gentleman from Mississippi has told the Members of the House here on the floor that he is one of the last genuine free traders of the country, that he is the one man in Congress today who still believes in free trade. Am I correct about that?

Mr. RANKIN. The gentleman heard me say that I was for tariff for revenue only. That is the old Democratic doctrine.

Mr. MICHENER. I want to see whether the gentleman has changed.

Mr. RANKIN. No; I have not changed, but I will say to the gentleman that his party has changed by going into dissolution as a result of its tariff policy and other activities that proved detrimental to the public welfare.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. LUDLOW. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Chairman, on January 26 I addressed this honorable body upon the subject of subversive and un-American activities within our borders. I pointed out then, and I am pointing out now, that the matter that I am about further to discuss is of such importance that this House must give it some attention. As we say in the vernacular, "we cannot pass the buck." We either are going to have an investigation and find out who are the subversive agitators and influences in this country, who seek to subvert or overthrow this country, whether it is the Communist on one side, the Nazis, the Black Shirts, or the Fascists on the other. I asked you on January 26 what were you going to do about it. I even went as far as placing into the RECORD a war draft questionnaire, distributed and mailed by the German consuls in this country to German citizens and American

citizens of German birth, calling upon them not only to fill out the questionnaires but to present them to the German consuls, to be ready for active service, and if they had not the financial means that the German Government would pay their transportation from the United States to Germany.

When the cry came from some fine American citizens of German blood, the consuls had the audacity and the nerve to tell those Americans that irrespective of the fact they were born in this country, nevertheless the Nazi Government wants them to fill out the questionnaire and report to the German consul in this country.

I have given you the name. I have given you the place. I even went so far as to tell this Congress that these agitators, subsidized by foreign money running into millions of dollars, are now organized in at least 14 or 15 States. I can name the leaders. I can name the States. I can almost tell you where the money is and how it gets here. I am powerless unless this Congress will give me the power to bring these un-American agitators, who seek to disturb our people in this country, before a committee. I want the power to bring before this Congress or the committee that band of un-American agitators who seek to create trouble between you and me, my State and your State, my people and your people.

There is no question that today Germany is prepared for war. She has 2,000,000 children between the ages of 12 and 16 ready to take up arms. She has an army of at least 3,000,000 people ready to take up arms. She has confiscated all the money there was in Germany, whether it belonged to Americans or to English, and she has used that money to arm herself. Germany is trying to instill fear in every German, no matter where he is, that he owes a duty to the fatherland, and this propaganda has gone too far. Uncle Sam is paying no attention to it.

We have a Fascist movement in this country today. The best illustration I can give you as my witness is photographs that I was able to obtain of secret meetings held by these subversive agitators, behind closed doors, giving these so-called Americans an oath—an oath of new allegiance under fear and threat of reprisals to their German families. Five hundred Americans behind closed doors pledge allegiance to the Nazi government that they are prepared to disregard their citizenship and are ready to go on and fight for the fatherland.

Here is a book that comes from a German (exhibit A), to which I want to call your particular attention. There is a man by the name of Fritz Kuhn. I want to call particular attention to this man to my colleagues from Michigan. Fritz Kuhn is the worst spy agitator in this country. He directly represents the German Government, for no good purposes, in this country. He is supposed to be a chemist in Ford's factory, where Mr. Ford employs a number of aliens, and a group of them are all Nazi agitators. Fritz Kuhn has been designated as the American Nazi leader to mold the opinions of all Germans in this country. Only about 4 months ago Fritz Kuhn took a leave of absence from Henry Ford's factory and took an army of some 500 Americans, dressed them up in Nazi uniforms, and took them over on a German vessel and paraded before Hitler to show what we Americans are doing in behalf of Germany; and this means preparation for war and destruction to all who get in their path. Then Mr. Fritz Kuhn, who worked for Mr. Ford, and I believe is still working for Mr. Ford, presented to Mr. Hitler a book with 5,000 signatures to show that this American group is 100 percent behind him and against their own Government; and a pledge is made in the following manner in the German language:

I am bound to Germany though pledged to America.

In other words, their real ties are with Germany even if, for the sake of convenience or for economic reasons, they were obliged to take the oath of allegiance to our Government.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. MICHENER. Is it the gentleman's thought that this man to whom he has referred as being employed by Mr. Ford is employed by Mr. Ford, Mr. Ford having knowledge that the man is what the gentleman claims him to be?

Mr. DICKSTEIN. Yes, sir.

Mr. MICHENER. Does the gentleman think there is any collusion between Henry Ford and Hitler?

Mr. DICKSTEIN. Well, if the gentleman will see me—

Mr. MICHENER. No. The gentleman has made a very serious charge.

Mr. DICKSTEIN. I have made it, but I do not charge Mr. Ford personally with it.

Mr. MICHENER. I think the gentleman ought to amplify.

Mr. DICKSTEIN. I could prove many things if I could only produce under subpoena certain records that I know I can get.

Mr. MICHENER. Well, the gentleman should not make assertions on the floor unless he is willing to go the limit.

Mr. DICKSTEIN. I am making the assertion to my colleague from Michigan that Fritz Kuhn is a German agitator, disturbing the peace of America and creating serious damage, and that he is connected now, or was for a number of years, with Mr. Henry Ford, and the Ford interests knew his connection with Hitler, and Hitler knew that Fritz Kuhn was connected with Ford.

Mr. MICHENER. Then he is not connected now?

Mr. DICKSTEIN. He may be connected now. Until recently he was very well connected.

Mr. MICHENER. I shall look into that.

Mr. DICKSTEIN. I wish the gentleman would, and I wish the gentleman would come to see me when he does find out and give me some information. I do not want to exaggerate my story. I show you now a picture of Mr. Fritz Kuhn. I ask the gentleman to look at it so he will recognize him when he goes there.

Mr. MICHENER. I have something to do besides running around the country looking for him.

Mr. DICKSTEIN. All right. I have shown exhibit A. Here is exhibit B, another photograph.

Mr. LUCKEY of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. LUCKEY of Nebraska. The gentleman showed us a picture. Will he identify it by telling us the name of the street and the place where it was taken?

Mr. DICKSTEIN. It was in New York City.

Mr. LUCKEY of Nebraska. What street address?

Mr. DICKSTEIN. The address is on the photograph. I think it is Eighty-second or Eighty-fifth Street.

Mr. LUCKEY of Nebraska. There is no address on this photograph.

Mr. DICKSTEIN. The activity was carried on behind closed doors.

Mr. LUCKEY of Nebraska. Yes; but what is the location?

Mr. DICKSTEIN. It was in New York City at Eighty-second Street and Second and Third Avenues.

Mr. LUCKEY of Nebraska. I thank the gentleman.

Mr. MICHENER. The gentleman cannot get in.

Mr. DICKSTEIN. I cannot get in, no; but I have here a picture taken by someone who could get in which the War Department enlarged for me.

Now, I want to show you a little of what is going on in this country. Here is a picture showing a group that is training in New York. These people are shown in uniform, and each individual has his instructions. Each man in this picture is told what he should do amongst the American people and how he should sell the idea that Hitler is the leader, or Führer, of all the world. In other words, Adolph Hitler is designated a new god. He has got a new church, and you have got to worship according to his wishes.

This third photograph is of the men about whom I spoke a moment ago, the men Fritz Kuhn took to Germany a few months ago to parade before this man Hitler when he told Hitler what a great group of American spies they have in

this country and what they propose to do to every German who will not join their ranks.

What I have told you of their activities is bad enough, but they are going even further than that, they are organizing a youth movement in this country amongst Yankee children of German parentage and making them daily swear allegiance to the swastika, the flag of Germany. Here is a photograph of these young, these little children ranging from 3 to 5 years of age. This is done in four States, in New York, New Jersey, Pennsylvania, and Illinois. Every Sunday morning they are dressed in uniform and required to swear allegiance to the swastika, allegiance to Hitler—Yankee children. Members of Congress, what are you doing about it, if anything?

When the Committee to Investigate Un-American Activities was in session in New York in 1934, we had before us one Hugo Haas who called himself the German Youth Leader, and who told us that he was an alien, never naturalized, or even taken out his first papers, but that he was an active member of the Friends of New Germany and organized a camp under the name of Camp Wille Macht in Griggstown, N. J. At that camp the children were not all German. They had boys of Irish-American, Italian, and English extraction, there. The routine of the camp was to salute the swastika flag and even the American flag was saluted in a Nazi manner. The children were taught the Hitler philosophy of government and that Hitler was the leader not only of the German people in Germany, but all the Germans all over the world.

Mr. Chairman, here is another specimen, a photograph showing a portion of these 500 Americans parading before Hitler in Germany. This photograph comes from Germany. There is Hitler. He says to Fritz Kuhn—that is the gentleman I said worked for Mr. Ford—"You go and carry on your work in America, go on and do all the dirty work you can, raise all the racial problems you can"; and he has been carrying on. If any of you gentlemen are interested to know in what States, call me, for I have all the answers you want.

My colleague the gentleman from Michigan questions my veracity—I do not think he meant it that way; I do not want to go that far, but he doubted my word as to this Fritz Kuhn working for Ford. Here is a big photograph of Mr. Fritz Kuhn with Mr. Hitler. This man is in this country. I have check-ups and I know what is being done and I know about the deadly schemes to undermine this Government.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. THOMAS of New Jersey. The gentleman stated that his colleague from Michigan doubted his word. I do not think the gentleman from Michigan exactly doubted the gentleman's word.

Mr. DICKSTEIN. I did not mean it in that way.

Mr. THOMAS of New Jersey. The gentleman from Michigan was just asking a question.

Mr. DICKSTEIN. I thank the gentleman for calling it to my attention.

Now, Mr. Chairman, I would like to give you the "pay-off" on this problem. Congress declared war in 1917. The first camp that was created to receive our drafted boys was Camp Upton at Yaphank, Long Island, in the State of New York. We sent through that camp, Mr. Chairman, 1,500,000 American souls. More soldiers went to the front from that camp than from any other in the country. What do you think has happened? Little Fritzie got busy, Fritzie Kuhn. He got some German money—in fact, they have some German money, running probably between \$10,000,000 and \$20,000,000, they use for this dirty work. They bought part of Camp Yaphank, from which we sent so many American boys to save the world for democracy. They are splitting up this camp into streets and are naming the streets after all the "big men" of Germany—Hitlerstrasse (Street), Goering Street, and so on; and at this very camp every Sunday morning between 2,500 and 5,000 men dressed in Nazi uniform are drilling—right on those sacred premises. Read what the

American mothers say. Do you men want to sit here and let such things go on? I do not think you do.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. PIERCE. Does the gentleman believe that this doctrine can get any hold in America with our public schools, our ideals, our sentiment, our knowledge, our newspapers, and our radio? I cannot assume it. I cannot see for the life of me how it can get a start in this land. I would like to have the gentleman's versions of how it can get a start here.

Mr. DICKSTEIN. I am giving my version of it.

Mr. PIERCE. I cannot understand it.

Mr. DICKSTEIN. I am not interested in Germany or what they do there; I am interested in the United States of America. What the gentleman wants to ask me is how can they do this in this country?

Mr. PIERCE. How can they get a foothold over here?

Mr. DICKSTEIN. The movement has grown to over 100,000. If the gentleman will go through this book, and I am going to put some of this in the Record, it will show how they have organized here and how they have spread their propaganda.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. DICKSTEIN. Mr. Chairman, about 1934 this Congress gave the Committee on Un-American Activities the right to investigate. The resolution came out in March. We did not start working until July, and we had to quit in December. We bumped into a snag. We could not subpoena some of these Nazis because they were smart. They would not appear. Unless a subpoena was issued in the District of Columbia and Congress was in session they ignored it. That is what they did. So last year we passed a bill providing that no matter whether Congress is in or out of session if one does not answer a subpoena he is guilty of a crime.

We have examined the Nazi camp referred to. It was composed of 500 little children, all born in this country. I may say to the gentleman from Oregon [Mr. PIERCE] I went there myself with members of the committee on a nice Sunday morning. There was not an American flag in evidence anywhere. It was a camp built up by alien groups. There was a library of Hitler's philosophy of hate, a Nazi flag, and they were doing the goose step. Did you ever see the goose step?

Mr. LUCKEY of Nebraska. Where is that camp located?

Mr. DICKSTEIN. About 10 miles below Plainfield, N. J., a place known as Griggstown, N. J.

Mr. JOHNSON of Oklahoma. Has the gentleman the exact location?

Mr. DICKSTEIN. I will furnish the exact location.

Mr. LUCKEY of Nebraska. Will the gentleman please put the exact location in the Record?

Mr. DICKSTEIN. Yes; I will do that.

Mr. THOMAS of New Jersey. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from New Jersey.

Mr. THOMAS of New Jersey. In reference to the camp in New Jersey may I ask, is that camp still in existence?

Mr. DICKSTEIN. It is still in existence. This is a summer camp for children.

Mr. THOMAS of New Jersey. It is still in existence?

Mr. DICKSTEIN. It is still in existence. You know how children love uniforms and how they like to march. Here are German officers drilling them and teaching them just what Hitler stands for. They are told they are Germans and their first duty is to Germany. We went into the library and there was not a book there dealing with George Washington or the American flag. It was nothing but German propaganda—a propaganda of hate and poison. In addition to this group, I can name at least a hundred more organizations of various kinds in this country which have the American flag wrapped around them, but they are nothing but

subversive organizations, Fascists, and various "isms." The "isms" are practically all within these organizations.

Mr. FOCHT. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Pennsylvania.

Mr. FOCHT. What is the ultimate object of all this drilling?

Mr. DICKSTEIN. The ultimate object is this: Germany is preparing for war, and they are under her dictation, under the dictation of this great leader, this god; and no matter where a German is, no matter where he is born, he owes allegiance to Germany.

Mr. FOCHT. That is a different doctrine than the doctrine of the old monarchy. Hitler's doctrine is different from the doctrine of the Hohenzollerns. This picture was never taken from a photograph, if the gentleman knows anything about printing. It is a television picture.

Mr. DICKSTEIN. No.

Mr. FOCHT. It is taken from the imagination.

Mr. DICKSTEIN. I beg the gentleman's pardon. If the gentleman is suspicious—

Mr. FOCHT. I am skeptical.

Mr. DICKSTEIN. The gentleman has the right to be anything he likes to be. But this book here comes from Germany. This was printed in Hamburg. There were thousands like that printed. These pictures were printed over there and sent over here. This gives you every section where the picture was taken.

Of course, in reference to some of these pictures I could not go into a secret meeting and take pictures. They were taken from certain programs of certain meetings in this country and distributed secretly to all of these agitators in this country.

Mr. GINGERY. Does the gentleman have a small photograph of that larger picture?

Mr. DICKSTEIN. Yes. I defy any man, woman, or child—and I am prepared to stand any punishment—to question the legitimacy of any of these documents I have presented.

Mr. PIERCE. But what is the object of them?

Mr. DICKSTEIN. They are trying to create a turmoil within our borders. They are stirring up racial hatred, intolerance, bigotry. They are trying to draft every German in this country for war. I have war documents in my possession. The object of this, Mr. Chairman, is as I started to say at the beginning.

Mr. PIERCE. Did they not try that in the World War? How far did they get?

Mr. DICKSTEIN. I am presenting to the Members of the House a condition as I view it, and I believe the condition ought to be investigated by the Congress of the United States. We ought to know all about these isms in this country. We ought to know what their real purpose is. I cannot answer a lot of questions, but I see that something is wrong. I cannot walk around the streets of the Capital of the United States or any other city in the United States and see men in a foreign uniform parading up and down the street. Something should be done to stop the use of these foreign uniforms. There should be only one uniform, and that the American uniform, and all of the others should be wiped out.

There should be one uniform, and that should be the American uniform. All the others ought to be wiped out, and we ought also to find out where the money is coming from.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. PIERCE. It seems to me that if we want to attack this problem, it would be best to solve the problems that lie before America first.

Mr. DICKSTEIN. I agree with the gentleman. I am not interested in anything but America.

Mr. PIERCE. It does not seem to me that as a country we can be in any danger from these so-called subversive movements.

Mr. DICKSTEIN. I have some documents that I would be ashamed to even present on the floor here, that were smuggled in by the thousands that you would not want your

child or your own wife to look at. I have at least 500 exhibits, and they were smuggled in here by the thousands and millions and distributed among certain races in order to create hatred. Of course, this is the kind of argument which Sinclair Lewis ridicules in his book *It Can't Happen Here*.

Remember, a democracy must defend itself like every other form of government and is not permitted to commit suicide as it did in Germany.

Mr. PIERCE. If the gentleman will permit, I would like to have the gentleman's judgment on how Hitler got his hold on the German people. If the gentleman can tell us that—

Mr. DICKSTEIN. I can tell the gentleman that.

Mr. PIERCE. If the gentleman can tell how he reached the German nation, then the gentleman might have some reason for trying to scare us.

Mr. DICKSTEIN. That is something that would not be within the jurisdiction of our investigating committee if we were permitted to investigate.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. THOMAS of New Jersey. When the gentleman refers to these isms, does he also include communism?

Mr. DICKSTEIN. All of them; yes.

Mr. THOMAS of New Jersey. Does the gentleman think that nazi-ism is a more important issue than communism?

Mr. DICKSTEIN. Absolutely.

Mr. THOMAS of New Jersey. More important than communism?

Mr. DICKSTEIN. Absolutely; and I will tell the gentleman why. We hear the Communist every day, and we know what he is after. These meetings advocating nazi-ism are subsidized by millions of dollars being spent in this country to distribute racial propaganda of all kinds attacking all non-Aryan races and religions. However, I do not look at it from the standpoint; I look at it from the standpoint of America.

Mr. THOMAS of New Jersey. The gentleman states he has investigated nazi-ism. What has he done toward investigating communism?

Mr. DICKSTEIN. I will answer that question. We have only scratched the surface. Sometime in September of 1934 we served a subpoena on Browder, who is their leader. I was not as much concerned about Browder as I was concerned about how they obtained their funds. When we served a subpoena and asked them to produce certain books, they simply came there the next day and told us they refused to appear because the law did not compel them to do so inasmuch as the subpoena was not served in the District of Columbia.

It is the duty of every Member of this body to join in this fight with me in order to save our country, which is now being infested with all sorts of subversive movements, not to the best interest of our country, and contrary to the principles of our Constitution, which subversive movements tend to bring about intolerance, hatred, bigotry, all of which threaten to disturb the principles of our democracy.

I do not think that any Member of this Congress can quarrel with this program nor should the Rules Committee hesitate in bringing in this resolution at the earliest possible moment, so that we can in the nick of time expose these subversive movements whether within or without.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. COLLINS] such time as he may require.

SERVING YOUTH

Mr. COLLINS. Mr. Chairman, I have introduced a bill (H. J. Res. 197) into Congress asking that there be appointed a special committee of Congress composed of six Members; three Members of this House and three Members of the Senate; to make a complete study of the activities of the several Federal departments and independent Federal bureaus and agencies which are rendering service to the youth of this country. There are at present actually dozens of Federal agencies seeking, in some form, to render such

service. As yet, however, we have no medium through which these services may be coordinated, and their value to the youth of this country thereby increased. We are all aware that some phases of these varied Federal programs are using large sums of Federal money; others lesser sums. I am anxious that adequate Federal aid be given where and when needed for the development of our young people, and I am at the same time tremendously concerned with having this aid administered in the most effective and efficient manner. This is not a new step for me to take, for about 15 years ago I first asked this House to give Federal aid to the States for the purpose of promoting an adequate educational program throughout the Nation. Since that time I have continued to support the principle of securing such aid. I am indeed proud of the fact that a number of the Nation-wide civic and educational organizations have expressed to me their appreciation for what I was able to do, with the help of this House, a few years ago in assisting the States keep open their schools during the greatest depression in the history of this Nation.

We all know full well that education is not simply the formal teaching of a limited, classical, traditional course. It has far greater objectives. It is preparation for an active participation in our complex industrial system—a preparation not only for actually earning one's living but of taking on one's share of the civic and social responsibility in the life of the community.

The Federal Government, through its numerous agencies, is trying to help render service to youth. Yes; there are dozens of these agencies, and each, for the most part, is working independent of the others.

Now, you will hear persons say, "Why should the Federal Government be doing this now? It never did anything like this in former depressions." True, in former depressions youth and childhood have suffered, but never before has a depression destroyed so many hopes of youth. The frontier has passed. A young man or woman can no longer make good by going west and finding gold. A new and now rapidly changing social order has produced a generation alert, keen, and hungry in many ways—yet tragically disillusioned. The spread of free popular education has given us a younger generation intent upon action, and yet, as we all know, the last half dozen years have bruised all, scarred many, and ruined some of our young people. We cannot dismiss the problem by simply saying what young people "ought to do." We must face the grim facts. Homes have been lost, schools have been wiped out, ideals have been shattered, and yet some people wonder what has happened to our young people. The very foundations have been taken from them.

I am not simply making general statements. I am not asking you to listen to platitudes or sentimental niceties. You will be interested in the cold statistics given below:

1. Total number (census figures) of persons between ages 15 and 25.....	17,759,479
2. Number graduating from college each year.....	150,556
3. Number graduating from high school (approximately).....	1,000,000
4. Number now attending high schools.....	6,096,360
5. Number now attending colleges.....	1,041,860
6. Total number employed between ages 16 and 25 (as of 1930).....	10,870,378
7. Total number delinquent persons between 16 and 25 (estimated).....	500,000
8. Total cost of crime annually.....	\$6,000,000,000

Add to this vast waste the loss incident to unemployment, to sickness, and to maladjustment. Then try to think of the immeasurable cost due to suffering, spiritual, mental, physical, and social, which these young people have suffered and you will begin to realize the tragic vastness of the problem.

The schools of the Nation have been particularly hard pressed. Everyone in this House has heard the facts from social-minded persons of his State. You certainly realize that thousands of schools have been closed, and school terms unduly shortened. In many communities you find dilapidated, unheated, poorly lighted, and improperly ventilated school buildings. Teachers are inadequately paid, and often courses of study are limited by lack of funds. Playgrounds and libraries are inadequate. In these overcrowded and

poorly conditioned school buildings the very large classes really made education a mass-production industry.

There is hardly a State in the Union that has not had to face these facts, dramatically yet tragically. The rural areas, of course, have suffered the most. The suffering local community cannot help itself because far too many of them simply have not the funds with which to carry on the school program. We all know the reason. The school resources of the local community are derived largely from taxation on real property, and this is a very limited source. Other possible assets are taxed by the Federal and State Governments. It is needless to go into these facts of local financing at this point. We all know them; know them too well.

In the face of these figures no one can deny the enormity of the problem, nor can we deny that it must be a matter of concern to the governments of this Nation, local, State, and Federal.

The States have turned to the Federal Government for aid, but this is not surprising. They argue that Federal aid for agriculture, for industry, for banking, is now available. Our Government has not been overthrown, nor have our ideals been shattered because the Federal Government has aided agriculture, industry, and banking. On the contrary, our faith in government and particularly in our form of government, has been aided thereby. We know the better, for ours is a government for the people, not for just a few of them, but for all the people.

Yet some may ask, Why should the Federal Government help the States carry on a program for youth? My answer is to develop good citizens of their children and their youth. Frankly, I believe this is a concern for the Federal Government for the reasons given below:

First. Each of these young people is a citizen—a potential voter of these United States—no matter where he lives.

Second. Crime, illiteracy, and maladjustment know no State lines. The social misfit of one State is the problem of all States, for the citizen migrates; the more so, if he is maladjusted.

I hold that in this problem "a national interest of very nearly the first magnitude is involved." I quote from a decision of the United States Supreme Court, viz.:

State of Missouri v. Holland, United States Game Warden (252 U. S. 416, 1920), which is the case in which the United States Supreme Court upheld the Migratory Bird Treaty Act of July 3, 1918.

Under this act the United States sought to protect its migratory birds. In giving the opinion for the Court sustaining the law, Justice Holmes said:

Here a national interest of very nearly the first magnitude is involved. It can be protected only by national action. * * *. We see nothing in the Constitution that compels the Government to sit by while a food supply is cut off and the protectors of our forests and our crops are destroyed. It is not sufficient to rely upon the States. The reliance is in vain, and were it otherwise, the question is whether the United States is forbidden to act. We are of the opinion that the treaty and statute must be upheld.

We do not admit that the safekeeping of our Nation's migratory birds is of greater concern to us than the safekeeping of our Nation's boys and girls. In fact, during the last few years we have begun to recognize that the training of the youth in every part of our country—yes, training in its broadest sense—is of the greatest interest to all of us. Some of the activities of the Federal Government operating in the interest of youth, have been of great social significance. I would call your attention to a few of these.

THE NATIONAL YOUTH ADMINISTRATION

This agency has done a fine job. Mind you, I am very well aware of possible errors in the administration of this work here and there. In some instances, I know of poor personnel, of superficial projects, and of statements that false benefits have been claimed in some places. Happily, I know too that the administrators of this work are facing these problems very frankly. I wish to pause here and pay tribute to these consecrated men and women, who are devoting their time and efforts in order to direct this all-important work. First, I refer to those who have served in an

advisory capacity under Charles Taussig of New York. As a businessman he realized that our Nation's greatest investment lay in its youth and he and his committee wanted that investment developed. A Nation's sincere thanks is due him and his committee. Then I would pay great tribute to Miss Josephine Roche, Assistant Secretary of the Treasury.

As chairman of the executive committee of the N. Y. A., Miss Roche is doing a fine piece of constructive human engineering, which is typical of her life of self-sacrifice. Especially would I commend Richard R. Brown, who has been directly responsible for the execution of this splendid youth program. Time will not permit a tribute to others by name, but there is one lady whose sincere warm-hearted consecrated work in behalf of the poor and the unfortunate, old and young, commands our respect; she, who without official connection with the N. Y. A. has shown the greatest interest in the well-being of young people affected by the N. Y. A. by visiting projects wherever possible, by attending State meetings and enthusiastically writing about them, by conferring continually with those interested. I refer to our first lady, Mrs. Franklin D. Roosevelt. May her interest in essentially human problems continue to inspire many men and women.

Errors, mistakes, blunders in the N. Y. A. in a number of places are granted, but who among us will say that all schools should be wiped out because, in many places, their administration has been characterized by errors, mistakes, and blunders, or even that the "bad schools should be wiped out." Of course not! Wipe out the errors, but save the institution.

Because I know of the tremendous value of the N. Y. A., I want it preserved in some form. I know of the good to the college youth of my State through the student-aid fund. I know of the significant guidance work undertaken by it; of the broadly conceived recreational program; of the recognition in general of a learning-by-doing program, educationally sound and socially inspiring.

It is such a broad program, based upon sound educational principles, that I want to speak of it in a little more detail here.

The National Youth Administration was created by Executive order on June 26, 1935, as a division of the Works Progress Administration. The major objectives of the National Youth Administration were then announced:

One. To provide funds for the part-time employment of needy school, college, and graduate students between 16 and 25 years of age, so that they can continue their education.

Two. To provide funds for the part-time employment on work projects of young persons, chiefly from relief families, between 18 and 25 years of age—the projects being designed not only to give these young people valuable work experience, but to benefit youth generally and the communities in which they live.

The National Youth Administration has not used its appropriation to set up separate facilities to carry on its work, but has cooperated, insofar as possible, with existing institutions and agencies. Fortunately, too, the national organization is small, most of its interesting and beneficial work is being carried on through State organizations and through State and local advisory committees, of which there are over 2,000, with a total membership of about 25,000, who serve without compensation.

One of the most significant parts of this youth service is the program of student aid. During the first year of operation, the National Youth Administration reached approximately 600,000 young people. In the student-aid program during the month of April 1936, a total of 404,732 secondary schools, colleges, and graduate students were employed. Of this total number, 275,337 were secondary school students, earning an average wage of \$5.45 for the month; 122,675 were undergraduate college students earning an average of \$12.69 for the month, and 6,720 were graduate students earning an average of \$19.25 for the month. The majority of eligible schools, colleges, and graduate schools in the United States participated in the program and in the same month of April 1936, this number comprised 17,999 secondary schools, 1,593 colleges, and 224 graduate schools.

The student-aid program has now been extended to Puerto Rico, Hawaii, and Alaska. One cannot begin to measure the tremendous value of even this small amount of aid to these young people. It has helped keep them alive spiritually and physically.

The second objective of the National Youth Administration is giving part-time employment on work projects to young persons between 18 and 25 years of age, chiefly from relief families, was started in January 1936. The employment of youths on work projects increased rapidly after the first month. The highest number reported employed was 182,477 in June 1936.

The work performed by these youths covered a wide range of activities, which are broadly classified as follows: Recreation and youth community service, land development, training in public service, building construction and renovation, sewing, manual crafts, library service, domestic science, and agriculture. A recent analysis of approved work projects showed that approximately 24 percent, or 43,497, of the total of 180,703 youths assigned to projects were to work on recreation and youth community-service projects. Of the number employed on projects of this type, a minority was engaged in direct leadership service to the community. The majority assisted adult leaders in various ways—qualified, responsible youths only being used for leadership. Under the recreational program are included many projects for the landscaping and beautification of school properties, and playground construction. This type of project is carried on where public-school finances have not permitted the landscaping and construction of play areas around schoolhouses. This work includes laying out baseball fields, running tracks, tennis courts, playgrounds, and other areas for sports, and constructing and repairing playground equipment. The National Youth Administration has assigned youths to crowded urban center playgrounds to keep them open longer, thus permitting more children to use them.

Through the assistance of National Youth Administration, the facilities of such agencies as settlement houses, and other established youth organizations, have been expanded and extended to serve a greater number of young people. In cases where the recreational facilities of a community are limited, the National Youth Administration has organized community "youth centers" to include vocations and hobbies as well as physical recreation. Youth centers not only tie in very closely with recreational supervision and leadership, but also serve as a means of giving vocational guidance, employment, and occupational information. Classes are organized and carried on in these centers and avocational interests are encouraged. In several instances National Youth Administration workers have completely built the "center", thereby learning carpentry, masonry, plumbing, and so forth, in the process. In other instances National Youth Administration workers have remodeled available public buildings as youth centers. Youths employed in these centers receive training in manual and clerical skills and recreational leadership. Benefits to young persons using the centers arises from the use of facilities for recreation and training.

The development of adequate recreational work in every community is of far greater importance than we recognize at first glance. The annual cost of crime in this country is fifteen billions, and more than 30 percent of all crimes are committed by persons under 25 years of age—this is the age the N. Y. A. is trying to serve and help direct toward the right ideals of life. Crime, we know, is social disease. Today we are interested not only in curing existing diseases, but in preventing disease. A sound, well-planned recreational program is one phase of crime preventive. Employment information has been given and educational classes conducted in these "centers."

About 14 percent, or 26,189, were assigned to public-service projects which involved work in governmental and public institutional offices, which made possible the training of these youths in a wide range of clerical work, as well as acquainting them with the operation of governmental and public services. The local student-aid program must be so

administered as to be helpful to the student and to the community. There is a growing development of truly valuable work projects to be used by high schools and colleges. There must be in every community opportunity for aid for students who are interested in an academic course. Something also is available for the high-school graduate who cannot go to college.

The average estimated turn-over of youths employed on National Youth Administration work projects has been about 10 percent every 5 weeks, so that up to the present time more than 100,000 youths have passed through the works program to school, private employment, or some other more permanent relationship. It is significant that youth is not staying on indefinitely on National Youth Administration projects. The works program of the National Youth Administration has helped, and is helping, youth to obtain necessary work experience and brings it in touch with work opportunities in private employment.

This brings me to my next point—the vocational guidance work of the N. Y. A. We must recognize as a Nation that training in the humanities is not the only form of educational training; that adjustment in our complex industrial society is education in its truest sense. There should be in every community an extremely practical and educationally sound guidance program.

Vocational guidance is recognized by all educational authorities as an essential service to youth in the present complexity of society, but it has been made available in only a limited number of the larger and more progressive schools. For those who have left school, especially those large numbers who drop out before graduation from a secondary school, there is practically nothing. The National Youth Administration has attempted to meet this need through its vocational guidance and placement service, making such service available to those thousands of youths who have passed beyond the classroom and have come to grips with the problem of making a living.

Some activity of this sort is in evidence in nearly every State now, the program being shaped to the needs peculiar to the various communities. Usually, the work consists of furnishing occupational information about the various fields of work which are open to the youth of the community, giving an outline of the training requirement, the pay, and promotional possibilities, and the relative availability of jobs. This is done sometimes through classes for out-of-school youths which meet in school buildings, churches, community centers, or the quarters of various social agencies. It is done sometimes through the preparation of pamphlets which are given wide distribution among young people and agencies serving them. In a few cities, where technical assistance can be obtained from cooperating sponsors, individual guidance bureaus have been set up where the young job seekers' talents and preferences are analyzed and information is given them about possible lines of employment and training. Through these efforts thousands of young people are being advised about vocations for which they are intellectually and temperamentally suited and a corresponding number of future misfits averted.

Job counseling is a fruitless effort, however, if there are no jobs for the counseled to fill. Accordingly, a service of equal importance—a junior placement service—has been established to parallel the work in vocational guidance.

Under this program junior placement counselors, paid by the N. Y. A., have been placed on the staffs of public employment offices in 42 cities in 18 States about the country. Their function is to receive the applications of job seekers between 16 and 25 years of age, whether connected with N. Y. A. or not, to gauge their experience and abilities, and to search out the jobs for which they are fitted. These junior placement offices have been in operation for varying periods of 2 to 8 months and the resulting figures show at the end of October the following:

Forty-seven thousand four hundred and eighty-five different young people have been registered; 14,730 have been placed at jobs in private industry; 12,582 employers have been personally visited and solicited for jobs.

All vocational training, be it in the skilled trades, plant training, agricultural training, or training in domestic science must be planned and conducted in the interest of the student, to help him effect his adjustment in our present-day complex society and, at no time, to help make possible exploitation of our young people by unscrupulous and greedy employers. I have always been deeply interested in the program of the Federal Government in vocational education. I am now particularly interested in the study being made by Dr. Reeves of the vocational committee. He has done a number of fine things, and I look for this study to add to his laurels.

THE DIVISION OF EDUCATIONAL CAMPS

For the year 1936-37 the Division of Educational Camps of the National Youth Administration was created. Fifty camps are expected to be established at a total cost not to exceed \$1,166,000. The average expenditure for each camp will be \$3,330 a month during the period of operation.

The purpose of these resident undertakings is not only to reestablish the morale of girls who have grown to young womanhood in a period of family and community defection, but to teach them by practice and experience the responsibilities of living in a democracy. In the course of living together they come to respect the rights of others and through representative student government and concern for the behavior of the camp as a whole, they develop a sense of responsibility which can later be directed to their personal lives and their home communities. On return home the girls are assisted in obtaining employment either on Youth Administration projects or in private industry through the public employment office.

The 1936-37 undertaking is a part of the work-project program. In every camp the girls are engaged in useful employment, in addition to camp maintenance, and earn their subsistence and \$5 in cash each month.

The work, whether it is the making of hospital supplies, recreation equipment, or labor in tree nurseries, becomes part of the educational program and is discussed in terms of material and human conservation. The camps are to be open throughout the year with camp terms of 3 or 4 months for each girl. This is accomplished by using camps or school buildings, which can be had at a nominal rent, and by securing a number of staff members, who are already engaged on a work project, and can be transferred to this undertaking. The cost is also kept low because a large number of girls, from eighty to a hundred, is in attendance at each camp.

On January 1, 1937, 18 camps had been authorized in 15 States, which are rapidly being placed into operation. Requests which have come from the State youth directors thus far will soon complete the quota of 50 camps for this year's program. The establishment of a camp in each instance is a response to popular sentiment in the community. The camp program will bring work, recreation, education, and new opportunities in their communities to approximately 5,000 young women during this year.

THE OFFICE OF EDUCATION (Department of the Interior)

Since 1869 the Office of Education has served as the Nation's clearing house on information on all phases of education. Through many and varied forms of research, through surveys, through conferences, data are gathered. Then the statisticians and other statistical interpreters compile and analyze these data. Information is gathered on teaching methods, courses of study, school administration, textbooks, teacher training, school finance, city and rural school systems, school-building programs, playgrounds, material on all problems of all levels of formal schooling. Recent reports and lengthy studies on any of these topics are now available in the several hundred currently issued statements and pamphlets of the office.

What else should the Office of Education do? How can these studies be used to the greatest advantage by the greatest number?

In addition to its fact-finding, information-defining functions, the "regular" functions of the United States Office of

Education include the administration of Federal funds for certain special educational activities such as land-grant colleges, vocational education, and vocational rehabilitation.

The duties of the Office of Education have been greatly increased in the last few years. The Emergency Education program in all its aspects has demanded much time of the Office of Education. Its complex far-reaching program demands our attention.

In C. C. C. camps training is now being given to young men under the direct supervision of the Office of Education. The helpful training given these young men in camps has provoked favorable comment from all parts of our country. In their evening schools, more than 300,000 youths are now receiving vocational adjustment. Surely we must seriously consider the advisability of coordinating work with a more permanent National Youth Service.

In vocational schools throughout the Nation the Office of Education is now training 1,381,701 youths. Of this number 347,728 are receiving guidance in agriculture, 579,971 in trade and industry, and 454,002 in home economics. During the year 1936 the Federal Government expended for this purpose a total of \$9,748,925, while State and local Governments expended the sum of \$23,678,909. It will be of special interest to know that 109,374 young farmers received training in evening classes, and 120,000 young men, known as future farmers of America, are likewise participating in this program.

Again, in a program of vocational rehabilitation for disabled youths, approximately 10,338 unfortunate youths are being rehabilitated and given a new grasp on life.

THE FEDERAL EMERGENCY ADMINISTRATION

This facility of the Federal Government during the year 1934 made emergency grants to the rural schools in the sum of \$14,500,000, and in 1935 the amount made available for the same purpose was \$7,500,000. At the present time, the adult education program of the W. P. A. is training in evening schools approximately 12,000,000 youths.

THE SOCIAL SECURITY ADMINISTRATION

Let me briefly direct your attention to another service for youth which our Government is now rendering. I refer to the aid to dependent children under the Social Security Act. We realize more and more that the well-being of a child depends largely on his having an opportunity to grow up in wholesome happy family surroundings. As I said before, we know that the family, as the social unit of our society, must be the basis of our planning for the well-being of the child. Thousands of children are in families that have lost their breadwinner. These children were given consideration under the Social Security Act.

The purpose of aid to dependent children under the Social Security Act is to help the States provide cash allowances for the support of such children in their own homes. It is one of three assistance provisions administered by the Bureau of Public Assistance of the Social Security Board.

Long experience has proved that keeping the family together is the best way of caring for children who have lost the support of their natural breadwinner, best for society, because home care is more economical than other kinds of maintenance, and because it helps to forestall the possible costs of later dependency and delinquency; best for the parent or other relative because, even where the payment is small, it is regular and assured; and best for the child, because wholesome family life can do more than anything else to safeguard his health, happiness, and character.

According to the best estimates available, there are in this country at least 1,000,000 such dependent children. In the 27 States with plans approved under the Social Security Act, about 314,000 of these children are now being aided with Federal cooperation. This represents a very substantial increase over the numbers aided in the same States before Federal assistance became available; and before the end of 1937 it is authoritatively stated that a further increase is expected. With many State legislatures now meeting or soon to meet, it is expected that a number of States which have not yet had an opportunity to do so will take the steps necessary for participation in this program.

Federal cooperation in aid to dependent children is the natural outgrowth of a quarter century of State and local experience with mothers' aid. The first State mothers' aid law was passed in 1911, and today only two States make no such provision, but in many parts of the country it has become increasingly difficult to finance these laws. During recent years many State and local provisions have been drastically curtailed or even suspended. In the years just preceding the passage of the act, in 1935, three times as many dependent children were receiving assistance from the Federal Government through its emergency relief program as under State and local mothers' aid laws. The Federal Government thus came into the picture in answer to an urgent need. All that the Social Security Act does is to develop an organized plan of State-Federal cooperation in order to help the States fulfill an obligation to which they have long been committed, but which many of them have found hard to support.

The same general scheme of cooperation is followed here as in other sections of the act; plans are State initiated and State administered, with Federal cooperation and financial assistance.

The requirements, to which a State plan must conform for approval, are based on what the earlier State experience had shown to be essential for effective administration: The State itself must bear part of the cost; the plan must cover the entire State and be administered or supervised by a State agency; it must assure the right to a fair hearing before this agency to those whose applications are denied; and it must conform to the Act as to certain requirements regarding residence and in some other respects. Within these broad outlines State plans vary considerably to meet local conditions and needs. To States with plans approved by the Social Security Board, the Federal Government makes grants equal to one-third of the State's total expenditures, up to \$18 for the first child and \$12 for each additional child in the same home. This maximum in no way limits the State, which may make its individual payments either higher or lower. Federal grants for this form of assistance total \$11,882,440 for the entire period since funds first became available in February.

These new plans, set up in conformity to the Act, help the States provide for more children by making more money available and by providing a wider coverage. It is particularly noteworthy that, although it is not necessary for approval, nearly all the participating States have made their provisions coextensive with the liberal outside limits established by the Act. Fewer homes are being broken up by poverty and more and more children will be assured of their birthright of a wholesome childhood as part of a normal family. Here is a service to youth which is of great social value.

UNITED STATES PUBLIC HEALTH SERVICE AND CHILDREN'S BUREAU OF LABOR DEPARTMENT

Among the services to youth, which are of great importance, are those seeking to promote the health and physical well-being of the young people. The general community health programs, conducted by the United States Public Health Service in cooperation with the State health officers, are certain to prove a splendid investment—in time. A health program more immediately affecting youth, more definitely only for youth in extending and developing more adequate local services for the health and protection of children and youth, is the health work of the Children's Bureau of the United States Department of Labor. To its functions as a clearing house of information concerning the extent of juvenile need and tried methods of care and prevention has been added responsibility for three types of grants-in-aid to the States under the social security program. These include assistance for maternal and child-health services, services for children who are crippled or suffering from conditions which lead to crippling, and protective services for dependent, neglected, and delinquent children, chiefly those living in rural areas. These three types of aid were designed especially for children in isolated or needy areas or parts of the country not before reached to any extent by public-health or child-protective work.

Together with the aid to needy dependent children administered by the Social Security Board, they make it possible for States and communities to plan more adequately than ever before to meet their responsibilities to children and youth and to determine on the basis of experience in what ways the facilities afforded need to be further extended and enlarged. To be sure we are still but trying to find the best possible way to administer this program locally. I am anxious to help them evolve the best way. The amounts appropriated by Congress, a large part of which must be matched by State and local funds, are allotted to State agencies of health and welfare or agencies giving service to crippled children, and paid to States having approved plans meeting the conditions prescribed in the Social Security Act. All the States, Alaska, Hawaii, and the District of Columbia are cooperating in the maternal and child-health work; 43 States and Territories so far in services to crippled children; and 42 States and the District of Columbia so far in child-welfare services. In a few States legislative action is needed to enable State agencies to cooperate in all three programs.

Since the first appropriations became available in February 1936, marked progress has been made in the establishment of divisions of maternal and child health in State health department, and the development of local services by local health units with the assistance and cooperation of local physicians.

Public-health nursing service in the States and in local governmental units is being extended by aid through the Children's Bureau for the maternal and child-health program, and the United States Public Health Service for general public-health work. The State plans naturally vary in content and provisions for administration. Many of them include such activities as nutrition work for children, dental-hygiene work, and lecture courses in medical treatment of maternity and childhood by recognized medical authorities for physicians in active practice, arranged in cooperation with State and local medical societies. Under the act the plans submitted by the States must provide for cooperation with medical, health, nursing, and welfare groups.

The work being developed for crippled children includes diagnostic services, hospitalization, convalescent care, and follow-up care. We are told that many children have been brought under treatment who would otherwise have had to go through life seriously handicapped by conditions that may be partly or wholly remedied.

Plans for child-welfare services have emphasized the need for a local unit of welfare administration, which would include child welfare and general public-welfare service. The importance of coordinating child-welfare services with maternal and child-health services and services for crippled children has also been recognized. Further need for local cooperation is also felt.

Thus we see the Federal Government and the States as partners in a program which recognizes youth as a national asset and which, therefore, seeks to reduce maternal and infant mortality, to promote child health and welfare, and to prevent and deal with physical, mental, and social handicaps, and with juvenile delinquency.

The groundwork has been laid for effective cooperation. State and local action, based on a knowledge of State and local conditions, coupled with our genuine desire to aid our young people to the fullest extent possible, will help develop an adequate program which we trust will mean real benefits for the mothers and children of the United States.

Again I point out to this House that this is but one of dozens of extremely valuable governmental services for youth.

At the outset of this address I called the attention of this House to the fact that dozens of Federal agencies are now in some way serving youth. I firmly believe in federally aided services for youth; but quite as firmly I believe they should be coordinated. The question of a youth service is of vast importance to this country, socially and financially. We must, I feel, pause and give careful consideration to our program for the future. We must have a careful study made.

I have, therefore, introduced a bill calling upon Congress to authorize the appointment of a special committee to make a thorough study of this subject. In approaching this problem, I have given myself a half a dozen questions to consider—questions which the study proposed in my bill must consider:

First. Why and what should the Federal Government's concern for the welfare of youth?

Second. How is this interest at present manifested? In permanent establishments? In an emergency unit?

Third. What relationship exists among the several Federal agencies now serving youth? Are their functions coordinated? Does their work overlap? Is there administrative waste?

Fourth. What relationship does and what relationship should exist between the Federal Government, the several State governments, and local governments in administering such a program?

Fifth. How should this interest be manifested in a more lasting structure?

Sixth. My last question is not concerned with governmental activity. But to me it is very important: What part can a civic, religious, or quasi-religious, an educational, or any industrial group play in developing and promoting a program in the interest of youth, in cooperation with the Government's agencies.

It seems to me that it is necessary for us first of all to formulate clearly our future objectives, our goal, as it were, for a youth service and then to plan carefully, step by step, a program through which the goal may be reached. Our youth service cannot, like Minerva, spring from the head of Jupiter, fully armed; nor is it necessary that it should, like Topsy, "just grow." It should grow, but through a well thought out plan.

The program of action should be developed and it should be based not only upon fine abstract educational and social principles, adopted by national and State groups, but more particularly upon those principles as they are revealed, in all their aspects, in actual practice in each community.

Then, too, we should most carefully direct our consideration to definite questions which arise in connection with such a program for aid; first, from a point of view of good government in a Federal democracy, composed of sovereign States, is Federal aid desirable for youth services? If so, when, where, and how much?

Practically all in this House are agreed that we must maintain local and State autonomy in administering such services. Sound social and political theory would demand this. Whether there should be certain Federal minimum standards for the State in administering the Federal funds is a moot question. Personally, I believe we must be practical. The Federal Government will, in handing out money, check up on how that money is being spent. I believe it is safer and better that there should be written into the law exactly what the Federal Government may and must audit. Many serious questions must be considered and thoughtfully answered.

While the study which I propose in my resolution is going on let us continue the experimental activities of the N. Y. A., of the C. C. C., of these other fine new agencies. Then let us make the program permanent.

We must determine, after careful study, the best possible means of coordinating the many agencies serving youth, of effecting an efficient, educationally sound relationship between the Federal Government and the States, of developing the best possible technique of handling these agencies through which we hope actually to equalize educational opportunities.

I hope that the religious, quasi-religious, civic, and educational groups in every community will study these broad educational and civic questions. School questions, even educational methods, should have the study of the whole community. While everyone realizes full well that the making of school curricula and the development of a technique in teaching is the highly technical job of the professionally trained person, yet no one will deny the great value of

having the community fully informed on the objectives and methods of present-day education to the end that the methods and the objectives are better understood. A democratic policy of administration, which is an essential part of democratic government, may be obtained as a result of public study and cooperation.

Through a study of a community's laws and problems by the community itself, and problems by the community itself, and with aid but without control from the Federal Government, I hope we may evolve a socially planned youth-service program in every community through which a community consciousness may be developed; a consciousness truly spiritual, broadly patriotic, and expressed practically and essentially as a part of each citizen, in his own way, for the common good.

With this, as my objective, I have introduced a bill through which I hope there may in time be given to this country a coordinated youth service, locally adjusted, State administered, and federally aided.

Mr. DITTER. Mr. Chairman, I yield 20 minutes to the gentleman from Michigan [Mr. CRAWFORD].

THE PHILIPPINE COMMONWEALTH AND THE UNITED STATES

Mr. CRAWFORD. Mr. Chairman, December 10, 1898, the Treaty of Paris was signed. Its purpose was to end the Spanish-American War, undertaken in the name of liberty. The terms of this treaty placed the Islands of Cuba, Puerto Rico, and the Philippine Archipelago under the jurisdiction of the United States and under the authority of Congress. When the United States declared war against Spain, and as a result of the execution of the war and the ratification of the Treaty of Paris, the United States assumed a new position in international affairs. We stepped westward into Asiatic territory, a distance of more than 7,160 miles as the crow flies, from our Pacific coast, or 10,000 miles from Washington, D. C., paid Spain \$20,000,000 for her outlays, and associated ourselves with the economic, social, and political problems of the Philippine Islands. We became sponsor for the independence of Cuba, and since then have very materially guaranteed law and order in that island. In due course the people of Puerto Rico became citizens of the United States, and they now ask for their independence. More than all of this, through our intervening steps having to do with these islands, we departed from our traditional policy of isolation and became involved in European affairs.

With the assumption of responsibilities there follows the obligation of duties. Upon the signing of the Paris Treaty and its ratification, Congress became duty bound to establish civil government, promote the welfare of the inhabitants, and, in due course, take the necessary action giving to the people of these islands a permanent political status. Long ago Congress discharged these duties insofar as Cuba is concerned. March 24, 1934, President Roosevelt approved the Philippine Independence Act, but not until July 4, 1946, is the United States to withdraw and surrender all right of possession, supervision, jurisdiction, control, or sovereignty then existing and exercised by the United States in and over the territory and people of the Philippine Islands. Now let us look at the Philippine problem for a few minutes.

ECONOMIC RELATIONS OF PHILIPPINE ISLANDS WITH UNITED STATES PENDING COMPLETE INDEPENDENCE

There are seven major commodities in Philippine export trade, and, named in their importance, we find them to be sugar, coconut products, hemp and hemp products, gold—treated here as a commodity—tobacco and products, embroideries, timber and lumber. In giving thought to the relations under consideration, these seven products and their place in the economic structure of the United States should be kept in mind. Around them will revolve debate and legislative action.

Section 6, subsections (a), (b), and (c) of the independence act specifically provide duty-free quotas on sugar, raw and refined; coconut oil; and hemp products that may be shipped—exported—to the United States during the first 5 years after the date of the inauguration of the government of the Commonwealth of the Philippine Islands—November 15, 1935. These are the only limitations and exceptions of

this nature made to the duty-free status of goods as of the date of the approval of the act.

Section 6 (e) of the act makes this most interesting and important exception:

The government of the Commonwealth of the Philippine Islands shall impose and collect an export tax on all articles that may be exported to the United States from the Philippine Islands free of duty under the provisions of existing law as modified by the foregoing provisions of this section, including the articles enumerated in subdivisions (a), (b), and (c), within the limitations therein specified.

The act then provides for 5 percent of the rates of duty during the sixth year, 10 percent during the seventh year, 15 percent during the eighth year, 20 percent during the ninth year, and—

After the expiration of the ninth year after the inauguration of the new government the export tax shall be 25 per centum of the rates of duty which are required by the laws of the United States to be levied, collected, and paid on like articles imported from foreign countries.

Section 6, subsection (5) provided:

The government of the Commonwealth of the Philippine Islands shall place all funds received from such export taxes in a sinking fund, and such funds shall, in addition to other moneys available for that purpose, be applied solely to the payment of the principal and interest on the bonded indebtedness of the Philippine Islands, its Provinces, municipalities, and instrumentalities, until such indebtedness has been fully discharged.

TARIFF DUTIES AFTER INDEPENDENCE

Section 13 of the act provides that—

After the Philippine Islands have become a free and independent nation there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from other foreign countries: *Provided*, That at least 1 year prior to the date fixed in this act for the independence of the Philippine Islands, there shall be held a conference of representatives of the Government of the United States and the government of the Commonwealth of the Philippine Islands, such representatives to be appointed by the President of the United States and the Chief Executive of the Commonwealth of the Philippine Islands, respectively, for the purpose of formulating recommendations as to future trade relations between the Government of the United States and the independent government of the Philippine Islands, the time, place, and manner of holding such conference to be determined by the President of the United States; but nothing in this proviso shall be construed to modify or affect in any way any provision of this act relating to the procedure leading up to Philippine independence or the date upon which the Philippine Islands shall become independent.

PRESIDENT'S MESSAGE TO CONGRESS URGING PASSAGE OF THE PHILIPPINE INDEPENDENCE ACT

The President, in his message to Congress March 2, 1934, urging the passage of the independence act, among other things said:

* * * Where imperfections or inequalities exist, I am confident that they can be corrected after proper hearing and in fairness to both people. * * * May I emphasize that while we desire to grant complete independence at the earliest proper moment, to effect this result without allowing sufficient time for necessary political and economic adjustments would be a definite injustice to the people of the Philippine Islands themselves little short of a denial of independence itself.

April 4, 1935, I pressed Hon. Manuel Quezon for his interpretation of the meaning of the President's statement and whether it applied to "imperfections or inequalities" existing against the Philippines only or to both the islands and the United States. Page 76 of the hearings on House bill 6653, setting forth Mr. Quezon's testimony, would indicate he feels reference was made only to imperfections and inequalities existing against the islands.

FOUR TRADE-RELATIONS PERIODS

Mr. Chairman, in considering this whole problem we should keep in mind, first, the trade relations of the islands and the United States prior to the effective date of the independence act. Second, the period from November 15, 1935, the date of inauguration of the Commonwealth government, until November 15, 1940, the first 5-year period. Third, the last 5-year period, completing the transition period, and during which time the export taxes are to be assessed. And fourth, the economy that is likely to govern both in the islands and in the United States after full independence is in operation. Now, Mr. Chairman, it is most

difficult to proceed on a satisfactory basis of discussion because of the unknown factors or elements to be dealt with. I refer specifically to two propositions which must be considered: The forthcoming United States-Philippine trade, economic, and Pacific defense—for the Philippine Islands—conference, which will probably be called soon, and the correction of "imperfections or inequalities" referred to in the President's message of March 2, 1934. We should keep in mind the current effect of such interim acts as the Jones-Costigan sugar bill, the Cordage Act of 1935, and the coconut-oil act.

PRESIDENT QUEZON NOW IN THE UNITED STATES

Saturday, February 13, 1937, President Manuel Luis Quezon arrived on our Pacific coast with his military adviser, Maj. Gen. Douglas MacArthur, and a large retinue of stenographers, nurses, cooks, valets, and other aides. President Quezon is anxious to have the trade conference held at an early date so that as much uncertainty as possible may be eliminated from the economic picture. It is understood that in a general way he is quite satisfied (for the time being) with the operation of the sugar restriction and quota as set forth in the independence act and the Jones-Costigan Sugar Act. Personally, I am confident that he will ask for a trade agreement of some type that will be much more favorable to the islands than the independence act, the sugar act, the cordage act, and the coconut-oil act. It is clearly evident now, Mr. Chairman, that the passage of the independence act was only the beginning.

NAVAL RESERVATIONS AND FUELING STATIONS OF UNITED STATES IN PHILIPPINE ISLANDS

Section 10 (b) of the independence act provides that—

The President of the United States is hereby authorized and empowered to enter into negotiations with the government of the Philippine Islands, not later than 2 years after his proclamation recognizing the independence of the Philippine Islands, for the adjustment and settlement of all questions relating to naval reservations and fueling stations of the United States in the Philippine Islands, and pending such adjustment and settlement the matter of naval reservations and fueling stations shall remain in its present status.

President Quezon, under a San Pedro, Calif., date line of February 13, 1937, is quoted as having said the Philippines "do not fear aggression from any nation." It would be most interesting to have President Quezon elaborate on this statement. For the moment, I must agree with him. But, let the military and naval forces of the United States now quartered in the Philippines pack, pull anchor, and sail away, and let me ask how long President Quezon would feel that his commonwealth was so "free from aggression from any nation."

Mr. Chairman, it is pertinent for us to consider in this connection the assembling in the North Pacific of combat planes, fighting ships, and other preparations by the United States, Japan, and Russia. At what other time in the world's history have such staggering sums of money been expended for war craft in time of peace and in such a concentrated area? What does it all mean? How long can active conflict be deferred? These are questions which President Quezon and his military adviser, Maj. Gen. Douglas MacArthur have not overlooked. There are no longer any treaty restrictions of consequence on Japan, the United States, and Russia, in the building of fortifications, capital ships, and combat airplanes in this area.

STRATEGIC PROXIMITY OF FOUR GREAT POWERS TO THE PHILIPPINE ISLANDS

Hong Kong is the military and naval base of Great Britain in China. This port is only 631 nautical miles from Manila and 85 miles farther from San Francisco than is Manila. While Manila is 6,221 nautical miles from San Francisco, Shanghai is only 5,387 and Yokohama, Japan, is only 4,536. The distance in nautical miles from Shanghai to Manila is 1,162, from Tientsin to Manila is 1,736, from Fusan to Manila is 1,468, from Nagasaki to Manila is 1,306, and from Vladivostok to Manila is 1,912. These short distances, compared to the mileage from San Francisco to Manila by direct route of 6,221 miles, helps one to comprehend the impossibility of our defending the Philippine Islands against

an attack by a world power such as Japan or Russia, with their military, naval, and other supply bases so near to Manila.

COVERT ATTEMPT TO KEEP UNITED STATES IN THE ISLANDS

Mr. Chairman, I submit this question: Can independence be won and maintained if the United States chooses to maintain military and naval reservations in the islands after the establishment of independence? Let us look at the answer. President Quezon submits to this question. April 4, 1935, in his testimony before the Insular Affairs Committee of the House and in answer to an interrogation propounded by me he said:

I was opposed to the acceptance of the original Hawes-Hare Act concerning the Philippine Islands. I fought it and succeeded in getting the legislature to defeat it, because I did not think it was fair. I was sent here by the legislature after we defeated that act to see whether we could get a better law. I succeeded in getting Congress to eliminate one of our main objections to the act, which objection referred to the right of the United States to maintain military and naval reservations in the islands after the establishment of independence. I objected to that provision, because I could not conceive of a country being independent while another country maintained a military and naval establishment within its borders.

Can it be there is a covert conspiracy to keep the United States in the islands? Certainly we have its equivalent. The commercial interests in both the United States and the islands are exerting pressure commensurate with their financial stake in the economic life and transactions involved. With this group we have another, which promotes the school of thought that the United States is morally bound to maintain our racial prestige—white over the yellow race. Along with these two groups we have others who would and do insist that military and naval bases be maintained in the islands as a strategic asset. Furthermore, let the least bit of a ripple occur indicating that some foreign nation is pressing the islands a little too much, and immediately there will arise a great cry that we must protect the Filipinos from such aggression. This last-mentioned element may be dormant just at the moment in both the islands and the United States, but I assure you that it would require but very little to provoke the commercial interests just mentioned into demanding prompt action on the part of the United States in defense of the investments in the territories involved which are dependent upon peaceful trade relations.

EFFECTIVENESS OF MILITARY AND NAVAL BASE AT MANILA

Is it not true that the establishment of such a base would prevent the peaceful independence of the islands? I think President Quezon was right in contending there could be no peace, no independence, under such circumstances. Such a base would require a cash expenditure for fixed and floating equipment of from \$250,000,000 to \$800,000,000. The base alone would probably cost at least \$100,000,000. We would have to split our Navy three ways—a division on the Atlantic, one on the Pacific, and the other in Asiatic-Philippine waters. No doubt but that we would eventually have to build a Philippine navy. What would Japan have to say about such a move? What would Japan do with her strength lying directly between the United States and the Philippine Islands? Japan is already answering this question in her fortifications of the Caroline Islands.

Japan's nearness to the Philippines places her in position to build speedy defense and offense craft, both water and air, capable of traveling to and from the base of supplies at terrific speed, and with more effectiveness than anything we could possibly build for long-range operation. Her dollar cost would be only a fraction of what we would entail. Japan is "in the heart of Asiatic waters"; we are from 6,000 to 10,000 miles away. Effectiveness! Great ships and great guns! What would we do—what could we do in the event of an uprising of the Filipinos against their own government—against the United States Government? The non-Christian tribes are still in the Philippine Islands. They have not yet been subdued by the Christian tribes. While it may be true the non-Christians have some respect for the Colt .45-caliber automatic, it is not true they are willing to be governed by the Christian tribes. In the event of a general uprising, let

me ask how many men and at what cost would the United States have to dispatch to the islands. Such an uprising would undoubtedly have the sympathy if not the support of some foreign power like Japan, with all of her present and increasing investments and nationals now in the islands. Should this happen, there would then be a "Japanese-Philippine incident" for the United States to worry about. We know the task involved in moving men from our Atlantic coast ports to nearby European ports at a time when there were friendly shores on which to land. But the distance from the Atlantic seaboard, where the greater portion of men must be obtained for active warfare, to the Philippine Islands is almost three times as great as the distance to European ports. No such an expeditionary force has ever been transported for such a great distance by any country in the history of the world. No one knows the cost in dollars and men. It would be an undertaking such as our people do not cherish at this time. I predict it is one of such a character that the American mothers now living and those to come will never be anxious for their sons to participate in.

RECOMMENDATIONS OF RESIDENT COMMISSIONER QUINTIN PAREDES

Commissioner PAREDES has recommended to President Quezon that an attempt be made soon to adjust the following problems. No doubt they will be fully discussed at the forthcoming trade conference:

- (a) Economic provisions of the independence act.
- (b) Tariff autonomy for the islands.
- (c) Definition of the War and State Departments.
- (d) The immigration and treatment of Filipinos in the United States.
- (e) Definition of the duties of the High Commissioner.
- (f) The possibility of sending Filipinos to the United States Military and Naval Academies.
- (g) The indemnity to which the Philippines is entitled to account of the devaluation of the dollar, and so forth.
- (h) The possibility of Filipinos being engaged as attachés in the Foreign Diplomatic Service of the United States.

It is perfectly clear to all students of this Philippine question that Commissioner PAREDES is much concerned about the state of confusion that now exists, not only with reference to economic matters but others just as important.

There is, without question, great confusion in the minds of many because of the lack of definition of responsibility as between the Army, the Navy, the State Department, the High Commissioner from the United States, the Resident Commissioner to the United States, the economic provisions of the independence act, the economic and trade conference, and the correction of imperfections or inequalities. What chance, may I ask, has the Resident Commissioner to proceed with a sound program for his people while he is engulfed in such a sea of confusion and contradiction. We have his hands tied. He is being forced to pursue a game of watchful waiting. The same can be said in a way of those who have built industries in the United States dependent very largely on exports to the islands and those in the islands who have invested for the purpose of production for export to the States—all of which has been carried on under a regime of free trade.

SUGAR'S POSITION IN PHILIPPINE ECONOMY

With seven crops accounting for 95 percent of the total value of agricultural production of the islands in 1934, sugar occupied first position with rice second. Sugar is produced almost entirely for export, while in the case of rice an insufficient quantity is produced for home consumption. The value of the sugar crop for the year under review amounted to 46.4 percent of the total crop value, while rice accounted for only 29.9 percent. The acreage devoted to rice amounted to 4,952,320 and to sugarcane only 755,840 acres, being 49.9 percent and 7.6 percent, respectively, of the total land area under cultivation.

In four principal producing areas we find about 95 percent of the total sugar crop being produced—in the islands of Negros (Occidental and Oriental) and Panay, in the Provinces of Pampanga, Bataan, and Tarlac located in the central plain of Luzon, north of Manila; the Provinces of Batangas and Laguna, south of Manila, and the island of Cebu.

(See Tariff Commission report—United States-Philippine trade). With a population of more than 13,000,000 souls we are advised about 15 percent of the total is dependent upon sugar operations for their subsistence. The estimated percentage of population dependent on sugar ranges in producing areas above mentioned from 10 percent up to as high as 90 percent. We should keep in mind, however, that the total percentage is very low and that the area for the production of sugar is highly concentrated.

Page 24 of a Summary of Information About the Philippine Sugar Industry, prepared and compiled by the office of the Philippine Sugar Association of Manila under date of November 17, 1932—since then new investments made in sugar have been very small—shows the total aggregate investments in the Philippine sugar industry to be:

Investments in centrals (manufacturing mills).....	P168, 025, 069
Investments in lands.....	280, 000, 000
Crop loans.....	25, 000, 000
Miscellaneous investments.....	10, 000, 000

Total investments..... 483, 025, 069

One peso equals 50 cents American gold. Dollar investment, \$241,512,534.50.

(Tariff Commission report Jan. 1937, vol. 1, p. 109, \$265,000,000.)

The association's report further states that of the total investment aggregating 168,025,069 pesos invested in the centrals, 40 percent is American investment, 37 percent Filipino, 22 percent Spanish, and 1 percent cosmopolitan:

Nationality	Number of centrals	Total investments	Percentage of total investments
		Pesos	
American.....	12	67, 631, 300	40
Filipino.....	22	62, 255, 787	37
Spanish.....	9	36, 553, 147	22
Cosmopolitan.....	2	1, 584, 835	1
Total.....	45	168, 025, 069	100

Of the total estimated income of the Philippine government for 1933 of 48,000,000 pesos, the sugar industry directly and indirectly expected to be assessed about 20,471,637 pesos, or, say, 43 percent. Five important Provinces derive almost their entire revenue from the sugar industry. Should the 970,000 short tons equivalent of sugar now allowed to come into the United States free of duty be assessed an export tax of \$1.875 per 100 pounds, the full duty now applicable, this would impose an additional tax burden on the industry of about \$36,375,000. Of course, for the sixth year only 5 percent is to be assessed; for the seventh year, 10 percent; for the eighth year, 15 percent; for the ninth year, 20 percent; and for the tenth year of the Commonwealth period, only 25 percent. After the tenth year, or July 4, 1946, the full tax or duty is to apply. As previously stated, section 13 of the Independence Act provides that after the islands have become a free and independent nation there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from other foreign countries, and so forth.

Now, Mr. Chairman, let us see in what position the sugar industry, the major one of the islands, will be in to meet these heavy burdens. It is a most interesting problem here presented. There is a marked interdependence between this industry, independence for the people of the islands, the economy of the Commonwealth, and the future "mothering" the United States will probably extend to the islands. The cost of producing raw sugar can be broken down into two general elements: (a) Agricultural costs and (b) factory costs. Labor costs make up the principal element in each of these two classes. Quoting from the most recently published report of the Tariff Commission, January 1937, pages 87-88, we find:

The wages of employees in sugar centrals vary in accordance with the type of work performed and the length of working day, which ranges from 8 to 12 hours. Employees are provided with houses, water, fuel, garden space, and in many cases light as part of their remuneration. Unskilled manual labor is paid a minimum wage

of 5 cents per hour with a daily return of from 40 to 60 cents. Semiskilled laborers, such as oilers and weighers, receive from 60 cents to \$1.25 per day, while skilled laborers, such as machinists, mechanics, engineers, and carpenters are paid from \$1.25 to \$3.50 per day. Unskilled plantation laborers are generally paid 15 to 25 cents per day. Skilled laborers, such as foremen, mechanics, and truck drivers, receive from 50 cents to \$1 per day.

Compared to the wages paid by American sugar-beet and cane growers, these wages are exceedingly low. In other words, everything entering into the cost of producing sugar in the islands which can be obtained through employment of labor in the islands is obtainable at very low costs. This is a tremendous advantage to the sugar industry in its effort to survive the restrictions to be placed on it under provisions of the Independence Act. Let us look at another very important element:

PRICE PREMIUMS BEING PAID BY CONSUMERS IN UNITED STATES TO PHILIPPINE SUGAR INTERESTS

The United States Tariff Commission is responsible for the statement that—

The average spread between the United States and world prices in 1935 was as follows:

	Cents per pound
United States quotation, 96° sugar, spot price.....	3.230
Transportation cost, Cuba to New York (average for 1935)....	.115
Net United States quotations, f. o. b. Cuba.....	3.115
London quotations, f. o. b. Cuba.....	.875

Differential between United States and world price..... 2.240

Under the terms of the Independence Act, the Philippines, during the Commonwealth period, are permitted to sell duty free in the United States market the approximate equivalent of 970,000 short tons of 96° sugar. Because of this privilege the islands received \$43,456,000 in 1935 (on a basis of average prices in that year) more than they would have obtained if they had sold an equivalent amount of sugar in the world market. This sum may also be regarded as the 'premium' which the United States paid for Philippine sugar on the present duty-free quota basis, as compared with what the cost to the United States would have been if it had purchased an equivalent amount of sugar at world prices. On a basis of existing United States duties, the annual loss in revenue to the United States Treasury resulting from the duty-free admission of Philippine sugar may be calculated to range from \$36,375,000 to \$17,460,000.

February 4, 1937, in my presentation to the Members of the House, I gave comparable figures on "price premium" and loss in revenue on sugar we are purchasing from Cuba, and at that time showed our loss in revenue amounting to \$86,354,466 and price premium paid of \$158,478,601.94, or a total of \$244,833,067.94 subsidy given to Cuba by the sugar consumers of the United States under the reciprocal-trade treaty and Jones-Costigan Sugar Act now in operation and applying to sugar imports from Cuba.

With a subsidy to the sugar industry of the Philippine Islands amounting to \$43,456,000 annually in the form of a "price premium" (forgetting for the time being the loss in revenue to the United States Treasury, ranging from seventeen to thirty-six million dollars annually) it can be seen that within 2 years we will have subsidized the industry a sufficient amount to completely provide for investments in the sugar centrals (factories), and that within a period of 6 years we will have provided a subsidy sufficient to cover the entire investments in centrals, lands, crop loans, miscellaneous investments owned by the Americans, Filipinos, Spanish, and cosmopolitan investors who have made their investments during the past 40 years. Is that not generosity to the nth degree?

No one will deny the statement to the effect that the net operating profits of the well-managed sugar concerns in the Philippine Islands are very high, and companies are paying and have been paying most generous cash dividends. Why not, when such a subsidy is being received from the consumers of the United States? Furthermore, it would be very interesting to have a detailed statement showing the high depreciation rates that are being provided against operating revenues before arriving at net profits. In other words, it is perfectly safe to say that the sugar industry of the islands is putting its house in order and that if we will only continue the present program for a few years longer, the industry will have been able to write off as operating expense the entire cost of its properties and, in addition, to refund to investors, in the form of cash dividends, the money pre-

viously invested in the industry. With the industry following this program and thus supported by our present sugar policy, which is very likely to continue for some time to come, is not the industry in position to meet this situation?

In the Far East (Asiatic-India-Chinese-Japanese area) we have the following sugar areas which would be competitors of the Philippine Islands should the United States close its free market to the Philippines.

Sugar production

Area	1936-37	1935-36	1933-34	1930-31
	Tons	Tons	Tons	Tons
British India.....	6,030,000	6,102,000	5,242,000	3,218,000
Java.....	1,400,000	567,154	505,438	2,798,870
Formosa and Japan.....	1,188,000	1,091,935	803,143	928,751

This presents an economic problem related to sugar similar to that which has existed in the Western Hemisphere, particularly insofar as the United States market is concerned. Standing ready to supply the sugar needs of the consumers of the United States we have had Cuba, Puerto Rico, Hawaii, United States sugarcane and sugar-beet fields and the Philippine Islands. It is interesting to make this pertinent observation: In the calendar year 1928 we consumed 5,542,636 long tons of refined and (or) consumption value of sugar. The crop year 1928-29 Cuba alone produced 5,156,315 tons of sugar, while the same year production in other sugar fields supplying the United States market was as follows:

	Tons
Continental United States, cane and beet.....	1,056,545
Hawaiian Islands.....	844,462
Puerto Rico.....	530,116
Virgin Islands.....	3,796
Philippine Islands.....	740,987
Total, not including Cuba.....	3,175,906
Cuba's production.....	5,136,315
Total production preferential sugar for United States market.....	8,312,221
United States consumption.....	5,542,636
Excess preferential production over consumption.....	2,769,585

In other words, an excess production for our market amounting to 50 percent of consumption.

Mr. Chairman, it is very evident the Far East sugar-producing area now faces just such a sugar problem, in the event the terms of the independence act are carried out, which has been faced and met, temporarily at least, by the sugar areas of the Western Hemisphere producing and supplying sugar to the great consuming market of the United States. The problem was met through reducing acreage devoted to the production of sugar and substituting other crops. In behalf of the citizens of the United States located in Hawaii, Puerto Rico, the Virgin Islands, and, last but not least, the sugar-beet and sugarcane growers of the United States, let me suggest that the Filipinos and other sugar producers operating in areas geographically situated to compete with the islands, immediately take serious and drastic steps to put their "sugar bowl" in order. The American sugar consumer may soon grow weary of the burden he is now carrying wherein the sugar industry of the Philippine Islands is being subsidized at a rate of more than \$40,000,000 annually.

WHAT OF THE FUTURE?

In the light of action taken by this House only a few days ago, there is another important phase of this question which should have our attention at this moment. I refer to the matter of trade agreements and the extension of the Reciprocal Trade Agreement Act giving the President and the Secretary of State sweeping powers to effect agreements with foreign countries.

May I ask by what line of reasoning Congress arrived at the proposition of assessing full duties against the products of the Philippine Islands coming into the United States when it knew full well the reciprocal agreements would be entered into and that Cuba would reap the full benefits of reciprocity? The Congress also knew that Cuba would re-

ceive preferential treatment on duties in addition to those received under the Reciprocal Trade Agreements Act. When we made a cash settlement with Spain for her outlay she had made in the Philippine Islands, did we not assume a responsibility which has not yet been discharged in behalf of the Filipinos? Have they not been under our supervision for more than three decades? Have we not permitted, encouraged, and assisted in the development of the industries of the islands and all to operate on a "duty free" basis insofar as exports to the United States are concerned? Are not our obligations to the Filipinos as broad, deep, and as sacred as are our obligations to the Cubans? Shall we let Cuba hold the "threat of revolution" over us daily and thereby demand and receive much fairer treatment than we extend to the Filipinos? Shall we say to the Filipinos, "You are not a part of us. You shall be treated as other foreign nations with which we have no close ties of friendship or other relations. You have been weighed in the balance and found wanting?" Are we more duty bound to protect Cuba against revolution than we are to protect the Philippine Islands against a similar trouble? Shall distance determine the international policy to be followed by the United States in dealing with those otherwise so close to us as are the Filipinos? Can the argument be sustained that Cuba is worth more to us from a commercial standpoint than are the more than 13,000,000 souls of the Philippine Islands? These and other questions are now before this Congress; they are running through the minds of the Filipino leaders—those charged with the responsibility of working out the future economic and international relationship of this present Commonwealth and coming Republic. These leaders have not, and we should not, forget the collusion engaged in to poison the minds of the American public against sugar production in the Philippines, and all in an attempt to remove the cloud of suspicion and direct public attention away from the production of sugar in Cuba. These questions will have consideration at the forthcoming trade conference, but after the conference Congress will have to act. The responsibility is on the Members of this House.

THE "ASIATIC MONROE DOCTRINE—OR YELLOW PERIL"

Mr. Chairman, in conclusion let me sum up this first presentation dealing with this very important question of Philippine economic future. We come down to the vital question: Does "territorial propinquity create special relations between countries"? It is claimed the United States is in no position to protest the declaration of the Asiatic Monroe doctrine by Japan. From a geographical standpoint, as well as that of population and also current history and international politics, Japan is "in the saddle" in the Far East. These are facts we must recognize. These facts, Mr. Chairman, can be discussed without bringing into the picture great emotion. We do not have to become sensational. The fact remains, as I have already pointed out, that Japan is very close to the Philippines, geographically and racially. Along the shore of China, for a distance of about 2,000 miles, we find the Empire of Japan scattered from Taiwan (Formosa) and running northward to the tip of Kamchatka. When visibility is good one can stand on Philippine soil and see with the naked eye Japanese territory. To the south and eastward of the Philippine Islands we find the Japanese mandated territory known as the Marianas, Carolines, and Marshalls Islands—all mandated to Japan by the Treaty of Versailles. Going southward from the Philippine Islands we find the British and Dutch territories known as the East Indies. Sailing westward for 2 or 3 days we find the shore of China—Hong Kong (British), French Indochina, and Portuguese Macao.

Japan has made it very clear to the thinking world that she will in the future be the guardian of the Philippines. Quite naturally, Japan will likely await the formal announcement of this until the Philippines receive full independence. Japan, with a square mileage approximately that of Texas, has a population of 100,000,000 souls.

Her crowded population is increasing at the rate of 1,000,000 souls annually. One island alone in the Philippine group—Mindanao—will accommodate an additional 20,000,-

000 souls. Throughout the Philippine Islands there is ample room at the present for many millions more. In addition, there is China, with about one-fourth of the total world population. China and Japan need, and will take, the unutilized natural resources and land areas of the Philippine Islands and the United States is without the power to prevent this happening, even if we desired to do so. In a way we have acknowledged all of this through the notes of Lansing and Ishii of 1917.

Now, if we are to concede Japan is to exercise guardianship over the Philippine Islands as soon as independence is granted, let us proceed on such a basis in the working out of our economic and political relations with the Filipinos. Why should we become entangled in a set of policies which cannot be supported when Japan really "moves in"? If no reciprocal-trade agreements are to be consummated with Japan, then why with the Philippine Islands? If it is the plan of our State Department under the Reciprocal Trade Agreements Act to extend its benefits to Japan, either in the name of material gain or for "world peace" purposes or motives, then how can we deny extending to the Filipinos similar trade benefits? Furthermore, if we are to recognize Japanese guardianship over the Philippine Islands, why should we attempt in any way whatsoever to maintain military and naval reservations in the islands? To do so would involve us in most serious international trouble. It would be acknowledging Japan's guardianship and at the same time saying to her "we reserve military and naval power" to be exercised at any time we see fit. Every student of international affairs knows such an arrangement would lead to endless trouble on a big scale. To grant free trade to the Philippine Islands and let their production come into the United States and compete with that of our own people and at the same time acknowledge the guardianship of Japan and give the Filipinos independence is unthinkable. [Applause.]

Mr. DALY. Mr. Chairman, I yield 15 minutes to the gentleman from Alaska [Mr. DIMOND].

Mr. DIMOND. Mr. Chairman, I suppose that in general debate, such as we have listened to for the past 2 days, it is quite unusual for any Member to refer to anything in the bill under consideration. Therefore, what I have to say may be somewhat of a shock, because I am going to talk about some particular items in the bill and one that I am sorry is not in the bill. I deal with the need of air-mail service in Alaska.

Alaska, as most of the Members doubtless know, is about three times the size of Texas. Its total area is about 589,000 square miles. So if Alaska were inset into the United States, you would find it touching the Canadian border on the north, the Gulf of Mexico on the south, the Atlantic Ocean on the east, and the most westerly of its string of Aleutian Islands, which reach out toward Asia, would be buried in the Pacific on the west. I merely give this as an illustration so that you can envision something of the size of the country which I have the honor to represent in Congress.

We have no air mail in Alaska, as that term is commonly used in the United States. Mail is carried by air in Alaska, but it is carried under what is known as star-route service. It is carried by air because the contractors who made the bid to carry it by air made the lowest bids. In other words, mail can be carried by air in certain parts of Alaska in certain seasons much more cheaply than it can be carried by any other means of transportation.

Alaska is the last frontier. A great deal of it is wilderness in the real sense of that term. Much of it is unsettled, even unprospected. Thousands of square miles are unmapped. Only about one-third of Alaska has even been mapped with any degree of detail. This whole northern section to which I am pointing now has never been surveyed as the country in the United States is surveyed. Consequently, maps are not entirely reliable. One of the airplane pilots told me a story to illustrate that. He found a place on a map where he was told he would find a pass 5,000 feet high. So he flew for it. It was north of the Yukon, on the route to Barrow, on the Arctic coast. When

he got to that pass, he found it was nearly 10,000 feet high. He had to go above 10,000 feet to get through the pass, where he thought he could get through at something over 5,000 feet. That illustrates one of the hazards of flying in Alaska.

We do need air mail in Alaska, because we have very little in the way of roads or railroads. We have the Government railroad, which starts at Seward and runs north to Fairbanks, in the interior of Alaska. We have a motor road which extends from Valdez, on the southern coast, to Circle City, on the Yukon River.

Outside of this Government railroad and the one long motor road to which I have referred, we have very little in the way of roads in Alaska—something less than 2,000 miles in all that vast stretch of country. Consequently when we wish to travel from one part of Alaska to another it is almost necessary to fly. We fly perhaps more in proportion to the population than the people of any other country in the world, and we find it cheaper to do so. We find it necessary to fly, and we fly over country that is very largely unsurveyed, much of it not well known, and sometimes under conditions which would alarm a good many of the people who fly here in the States. We do not have lights every 25 or 30 miles, and few emergency landing fields. But it has worked out pretty well and we are used to it.

In company with people from the Department who are in favor of a regular air-mail service in Alaska in the same way that it is understood in the States, I appeared before the subcommittee, and I must say here in fairness to the subcommittee, in justice to the subcommittee and its members, that we were given a very full and complete hearing. We were not hurried. We explained the whole situation to them, and as a result the bill contains an item of \$68,692 for a weekly round-trip service of the air mail between Juneau, in southeastern Alaska, and Fairbanks, in the interior. This is, however, a foreign air-mail route, and the money carried in the bill to take care of this service is in the lump-sum appropriation for foreign air mail, which amounts in all to several millions of dollars. The distance is about 660 miles from Juneau to Fairbanks and about 300 miles of the route is flown over Yukon Territory, Canada. One stop is made in Yukon Territory, at White Horse. So we have here what may be called two foreign air-mail routes, one from Juneau to White Horse and one from White Horse to Fairbanks. It is, however, all a part of one flight.

I am, of course, very grateful to have this much. We have never had anything like it in the past. An air line, a subsidiary of Pan American Airways, has been operating a regular weekly service for the past year or so between Fairbanks and Juneau, and I have no doubt it has been losing money every trip. This foreign air-mail appropriation will help the carrier of mail between Juneau and Fairbanks to improve and increase the service and will aid in the development of the Territory.

Thankful as I am to have this beginning of air mail in Alaska, I must point out that we also asked and the Department requested, and the Bureau of the Budget recommended, another item of \$72,755 to complete the air service on the main line running from Juneau to Fairbanks by developing a line from Tanacross down to the cities of Valdez, Cordova, Seward, and Anchorage, which lie along the coast of Alaska and which contain quite a substantial population. That item, however, is not contained in the bill. When, tomorrow or next day, we reach the proper place in the bill, page 58, line 17, I shall offer an amendment to strike out \$207,245 and insert in lieu thereof \$280,000, which is the amount recommended by the Budget and the Post Office Department to give this Air Mail Service to the cities on the coast.

Mail will be taken by boat to Juneau, carried by air to Fairbanks, and should then be taken from Fairbanks in the interior to Valdez, Cordova, Seward, and Anchorage. We should have the extra money that is needed to complete the service by going to the rather more thickly populated section of Alaska down here on the coast and taking in the cities of Cordova, Valdez, Seward, and Anchorage.

The extension of air mail in every country and under all conditions is intimately associated with the march of our

material civilization. Millions and millions of dollars are being spent by every nation worthy of the name of "civilized" to speed and develop communication by air. The report of the committee on the bill now before us shows that, aside from Alaska, the committee is particularly alive to the desirability and, indeed, the need of developing air commerce not only in the United States but between the United States and the countries which lie over the Atlantic Ocean in one direction and the Pacific Ocean in the other. Millions are being spent in order that the potential profit of billions may be tapped—profits that will accrue not only to ourselves but to the peoples of all of the other nations with which we thus come into intimate commercial contact. And in this "dance of millions", if I may call it that, what reason can there be for an attitude of penury where Alaska is concerned? We do not ask for anything outrageous or unreasonable. We Alaskans are citizens of the United States, and we have the same devotion to the common weal that animates the citizens of the 48 States.

Let me here read to you what the committee very generously—and very justly—says about the item of the bill for the foreign air-mail route between Juneau and Fairbanks, via White Horse, Yukon Territory, Canada, and Tanacross, Alaska. Here it is:

A route in Alaska, costing \$68,692 annually, is recommended for weekly round-trip service from Juneau, Alaska, via White Horse (Yukon Territory) and Tanacross, Alaska, to Fairbanks, a distance of 660 miles. The purpose of the route is to take the mail from the weekly boat at Juneau and put it into Fairbanks, the main distributing point for interior Alaska, at a saving of approximately 4 days. Travel and mail communication in Alaska are difficult because of climatic conditions and the great distances. The proposed line would carry passengers and express and would perhaps produce some additional postal revenue, but the establishment of the service cannot be justified on that basis. What is said about this line is also true of many lines in the United States and in foreign air-mail service. They do not pay for themselves but must be justified on the basis of their assistance to business and speedier communication for our people. Because of the extremely difficult conditions of transportation in Alaska, the committee feels that this primary route will be of benefit in the development of the Territory and an advantageous facility of national life that the people of Alaska should have the benefit of. There is ample justification for it on the basis of the facilities that the Government has provided for citizens living in the States.

Mr. Chairman, every word contained in the paragraph just read is warranted. Money spent within reason to develop and speed commerce is well spent. That is a thousand times true as to commerce between the several States and Territories. The investment is small; the potential returns are vast. The Government is now wisely spending not a few thousands but millions to develop air transportation to the Orient, and in this very bill it is engaging to spend some hundreds of thousands to establish an air-mail route between the United States and Europe. Can any reason be assigned why the little that we ask for in Alaska is not equally well, if not better spent. The question is whether we are to follow in the relatively slow and earth-bound footsteps of our fathers, or whether we are determined to blaze new trails and faster trails through the air.

As I said a moment ago, we already carry mail by the Star Route Service in Alaska. The late great Col. Carl Ben Eilson blazed that particular trail. But the service should be now expanded. We should have air mail in the real sense of that term. The desirability of air-mail service for Alaska was seen by the Second Assistant Postmaster General, Hon. Harlee Branch, one of the best and ablest of our public servants, when he visited Alaska in 1934. Last year the Post Office Department estimates contained an item of nearly \$250,000 for air-mail service in Alaska, which was approved by the Bureau of the Budget. The Committee on Appropriations eliminated the item from the bill. When the bill was before the House I offered an amendment seeking the insertion of the desired amount, but the amendment was voted down. Then I appeared before the Senate Committee on Appropriations. The amount went into the bill in the Senate, but it was lost in conference. A similar item was later inserted in the deficiency bill in the Senate, but it was again lost in conference. The amount is now substantially reduced and the total that we now ask for air-mail service in Alaska is less than \$142,000, of which, as I have indicated, the committee

has approved the sum of \$68,692 for the Juneau-Fairbanks foreign air-mail route, but has eliminated the item of \$72,755 for the service between Tanacross and the coast. In refusing the appropriation for the latter route the committee in its report says:

Star routes, Alaska: The appropriation carried is \$207,245, which is the current year's figure. It provides for 65 routes under contract for transportation of mail within Alaska by dog team, motor- and horse-drawn vehicles, and airplane. The committee has disallowed a Budget request of \$72,755 for an additional air-mail route from Tanacross via Cordova, Valdez, and Anchorage to Seward, a distance of 480 miles, one round trip per week. The committee has placed elsewhere in this bill the funds for an air-mail route from Juneau to Fairbanks via White Horse (Yukon Territory) and Tanacross. The route eliminated from this estimate was expected to tie in with this latter route to expedite delivery of mail arriving by boat from Seattle by taking the mail off the boat at Juneau and putting it into Seward several days earlier than it would otherwise arrive. The committee finds merit in the line from Juneau to Fairbanks but is not impressed with the need of this considerable expenditure in order to expedite the boat mail to Seward by a few days.

With the most respectful deference to the committee and its able and distinguished members individually, may I say that the route from Tanacross south should be considered as a part and parcel of the mail route between Juneau and Fairbanks, and that all of the sound reasons which led to the granting of the item of appropriation for the Juneau-Fairbanks service will in the fullest measure justify the item for the service between Tanacross on the north and Cordova, Valdez, Seward, and Anchorage on the south. This line, too, will, to quote the language of the report, "be of benefit in the development of the Territory and an advantageous facility of national life that the people of Alaska should have the benefit of. There is ample justification for it on the basis of the facilities that the Government has provided for citizens living in the States."

No money carried in the bill can be expended to better advantage for the people of the United States, leaving out of consideration the benefit of the people of Alaska, than this \$68,692 now carried in the bill for Juneau-Whitehorse-Tanacross-Fairbanks route and the small amount of \$72,755 additional that we request. Let us look at it as one picture. We pick up the air mail at Juneau, carrying it thence to Fairbanks. While that is going to be a great help to the interior of Alaska, in order to complete the service we should go with air mail from Tanacross to the southern coast of Alaska, as planned. We should also, in my judgment, provide regular year-round air mail service from Fairbanks, in the interior of Alaska, to Nome, on the western coast, and to Bethel in southwestern Alaska. Those two routes are also well justified. But since it is not covered in the Budget, I am not asking for that money now, but I am asking that the Congress appropriate \$72,755 to complete the service which we hope to have started from Juneau to Fairbanks and having a branch line go from Tanacross down to the southern coast.

The inquiry may be made, What is the need for this? It may be said that we have gotten along all of these years without it, and we can get along without it now. That is true. In Alaska I suppose we could get along if we had no mail sent to Alaska at all. If you simply cut off all the mail service in Alaska, it is very likely most of the people would live somehow or other. I have lived in Alaska for 32 years, and I remember particularly one period of 18 months when I did not receive or send out a single letter. There was no mail service at all to that part of the country at that time. Of course, we survived and lived through it, and I suppose we were fairly happy. But the world has moved on.

I dare say it is hard to justify from the standpoint of dollars and cents and from the standpoint of the postage that is received, the air-mail service in the States. If we had in Alaska the same conveniences for carrying mail that the people of the States enjoy, I do not think we would ask for any air mail at all. If we had roads, railroads, and rural free delivery all over the country so that not a single town, hamlet, or even a farmhouse is omitted from the mail service, I would not be here asking you to enlarge the appropriation for air mail in Alaska. But we have

not the roads and railroads, and the only speedy and efficient way in the interior of Alaska that we can get mail is by air; therefore I submit to you that in the interest of your own constituents in your own districts, and for the general welfare of the country, it is wise to appropriate this comparatively small amount of money in order to give us the service we desire, a service that is recommended definitely and even enthusiastically by the Department, and one that meets the approval of the Bureau of the Budget.

You may ask, how is this going to help the people of the United States? It will help them because Alaska is probably the most valuable and profitable resource that the United States of America possesses.

Our annual exports from Alaska, principally in fish, gold, copper, and furs, for the last few years has probably averaged somewhere between 60 and 65 million dollars. Nearly all of it goes to the United States. Our average imports are between 30 and 40 million dollars a year. Most of that comes from the United States. As I pointed out to the Members of the House 2 years ago, if the exportable surpluses of the United States were as great in proportion to population as the exportable surpluses of Alaska, the United States would have the enormous exportable surplus every year of about 66 billion dollars.

Where does this wealth come from? We take, we will say, \$30,000,000 of merchandise into Alaska from the United States; and that is quite a substantial market for the people of the United States of various kinds of produce, mining machinery, food, clothing, and almost everything else that human beings, that civilized people use. We send out about \$60,000,000. Most of that surplus of \$30,000,000 goes into the pockets of people who reside in the United States.

[Here the gavel fell.]

Mr. DIMOND. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD and to include therein two brief paragraphs, about 20 lines, from the report of this bill now under consideration.

The CHAIRMAN. The Chair may say that the gentleman's request to include the paragraphs to which reference is made will have to be made in the House.

Is there objection to the request of the gentleman from Alaska to revise and extend his remarks in the RECORD?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Chairman, I yield the gentlewoman from Massachusetts [Mrs. ROGERS] 10 minutes.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I rise at this time to ask the membership of the House to join with me in authorizing a small appropriation for the upkeep of the so-called Congressional Cemetery. I do not know how many of the Members realize it, but there are 2 Vice Presidents, 16 Senators and 68 Congressmen buried in that cemetery.

Of course, Mr. Chairman, the reason Congressmen were authorized to be buried in this cemetery was because transportation in early days was so poor it took a long time to send the remains of the Members of Congress back to their homes in their native States.

Mr. Chairman, for a number of years an annual appropriation was made by the Congress for the care of the graves and the cemetery. Today the graves are in a deplorable condition, and the cemetery is in a very unkempt and uncared-for condition. It seems pathetic that our statesmen, including former Members of Congress, should be so little thought of that their graves are not cared for. For 35 years no appropriation has been made for the upkeep of the cemetery. The following are acts of Congress relating to the Congressional Cemetery:

Act of May 31, 1832 (4 Stat. 520, c. 110). Appropriation of \$1,500 to aid vestry of Washington parish "in the erection of a keeper's house, for planting trees, boundary stones, and otherwise improving the burial ground, allotted to the interment of Members of Congress, and other officers of the general Government."

Act of July 25, 1848 (9 Stat. 251, sec. 4; 726, sec. 4). United States entitled to buy portion of cemetery "as a

burial ground, for Members of Congress and such other members of the United States Government as the President shall deem it expedient and proper to allow."

Act of August 18, 1858 (11 Stat. 88). Appropriation of \$5,000 to purchase 500 lots: "Provided, That the same be expended in the construction of an iron fence on the north side of said burial grounds."

Act of March 3, 1857 (11 Stat. 226). Appropriation of \$2,200 for flagging footway. (Amended by 11 Stat. 325, sec. 2.)

Act of May 18, 1858 (11 Stat. 289, ch. 38). United States to retain land formerly included in certain streets "for the interment of Members of Congress or such officers of the Government as may die in Washington."

Act of March 3, 1869 (15 Stat. 309). Appropriation of \$3,000 for care, improvement and repair, to be expended under direction of wardens and vestry of Christ Church.

Act of July 15, 1870 (16 Stat. 309). Appropriation of \$3,500 for erection of monuments in memory of Representatives who died since 1860.

Act of May 18, 1872 (17 Stat. 131). Appropriation of \$3,000 for repair and improvement, to be expended under direction of warden and vestry of Washington parish.

Act of March 3, 1873 (17 Stat. 540). Appropriation of \$2,000 for repair and improvement, to be expended under direction of officer in charge of public buildings and grounds.

Act of March 3, 1875 (18 Stat. 375). Appropriation of \$1,500 for "monuments in memory of those Representatives who have died since the erection of those last authorized."

Act of May 23, 1876 (19 Stat. 54; U. S. Code 2:51). Monuments to be erected to Members actually interred in the cemetery, out of contingent fund of Senate or House.

Joint resolution of January 16, 1899 (30 Stat. 1387, No. 8). Removal of remains of Maj. Gen. John A. Rawlins to Arlington National Cemetery; \$500 appropriated.

Act of March 2, 1907 (34 Stat. 1236, sec. 6). Repeal of portion of act of May 18, 1858, above.

Act of June 27, 1916 (39 Stat. 1300, ch. 177). Removal of remains of Charles H. Bingham to Lock Haven, Pa., authorized.

Mr. Chairman, I ask unanimous consent to read into the RECORD at this point a description of this cemetery by Helen Essary.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts (reading):

Representative EDITH NOURSE ROGERS, of Massachusetts, is planning to ask Congress to look into the state of its own Congressional Cemetery.

The cemetery, on high ground overlooking the Anacostia River, lies between E and G, Eighteenth and Nineteenth Streets SE. Congress once felt a responsibility for the graves of the 2 Vice Presidents, the 2 Cabinet members, of the 16 Senators and 68 Congressmen, the cenotaphs, the trees, and the shrubbery there.

But for years now the burying ground—or that part of it in which Congress is supposed to have an interest—has been one of Washington's stepchildren.

Perhaps this congressional aloofness is a result of confusion in ownership. Some authorities say the cemetery belongs entirely to the Christ Church. Others insist a certain section is the property of Congress.

In any event, congressional appropriations for upkeep of any part of the burial ground ceased about 35 years ago. Today the town offers no better place in which to hunt for forgotten pomp and pathos than the lots where public men are interred.

For long after its beginning, in 1807, the cemetery seemed a trying distance by carriage from most anywhere. President Adams tells in his diary that "just after noon he joined the funeral cortege of his old friend, Gen. Jacob Brown. The roads were heavy with mud. It was near 3 o'clock before we reached the grave."

For the early days of the Republic all Congressmen who died in office were supposed to be buried in the Congressional Cemetery. Or if they were not actually interred there, a monument was raised to their memory.

These monuments were curiously fashioned of the same size, shape, and material, with a cone-shaped top, resting on a square block.

When 85 of such cenotaphs had been put in place, it seemed to even a vague mind that there wasn't space to raise a monument to every worthy official who died in office.

The white stones soon grew yellow with neglect. Jails and almshouses moved in as neighbors. As a part of official Washington the Congressional Cemetery passed out of public thought.

But the names on many of its forgotten headstones are those of men who played big roles in the development of this country.

There, for instance, lies Tobias Lear. Tobias was buried on the hillside by the Anacostia after he had killed himself in his garden pavilion. Tobias, so the words on his tombstone say, "was the private secretary and familiar friend of the illustrious Washington. * * * His desolate widow and mourning son have erected this monument to mark the place of his abode in the city of silence."

The inscriptions on old tombstones are fascinating reading. Descendants of the modern great and near-great are self-conscious about the characteristics of their ancestors. But in the young 1800's no such inhibitions held back the kind words for posterity to read.

On the monument of Vice President Elbridge Gerry, who died suddenly in his carriage on his way to preside at the Senate, the inscription says that "in his death he fulfilled his own memorable injunction: 'It is the duty of every citizen, though he may have but one day to live, to devote that day to his country.'"

Vice President Clint's epitaph declares that "He filled with unexampled usefulness, purity, and ability many high offices", and "left an illustrious example of a well-spent life worthy of imitation."

Push-Ma-Ta-Ha, a Choctaw chief and "a warrior of great distinction", is the only Indian who lies in the Congressional Cemetery. He died in the "sixtieth year of his age of the croup." The inscription on his monument adds in faded marble letters: "Under all circumstances the white man's friend." Among his last words were: "When I am gone, let the big guns be fired over me."

Mrs. ROGERS hopes that Congress will renew its appropriation for the care of this historic old cemetery. Such an appropriation would likely have to be made on sentimental grounds. When funeral pomp was important in Washington, and long, melancholy processions proceeded slowly across the cobblestones, burials of deceased public men were paid for.

Mrs. ROGERS of Massachusetts. I hope, Mr. Chairman, we may devote some time to a consideration of this matter and provide an adequate appropriation to properly preserve this cemetery in memory of these splendid men. [Applause.]

Mr. LUDLOW. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GREENWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill (H. R. 4720) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1938, and for other purposes, had come to no resolution thereon.

TEACHING OR ADVOCATING COMMUNISM IN THE PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA

Mrs. NORTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 148) to repeal a proviso relating to teaching or advocating communism in the public schools of the District of Columbia, and appearing in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That the proviso appearing in the fourteenth paragraph under the sub-heading 'Miscellaneous' under the heading 'Public schools', in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936, approved June 14, 1935 (49 Stat. 356), and reading as follows: 'Provided, That hereafter no part of any appropriation for the public schools shall be available for the payment of the salary of any person teaching or advocating communism' is hereby repealed."

Mr. McCORMACK. Mr. Speaker, reserving the right to object, it seems to me this is a very inappropriate time to take this matter up on a motion to concur. There has been general debate all day and the Members are at their offices working and this would entail some further action. Of course, I shall object, if necessary, but it seems to me that the gentlewoman from New Jersey ought to defer this for further action tomorrow, in view of the lateness of the hour.

Mrs. NORTON. Mr. Speaker, I withdraw the request and ask unanimous consent to take from the Speaker's table the bill (H. R. 148) to repeal a proviso relating to teaching or advocating communism in the public schools of the District of Columbia, and appearing in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936, with a Senate amendment, disagree to the Senate amendment, and ask for a conference.

Mr. McCORMACK. Mr. Speaker, reserving the right to object—and I shall not object—I want to make the observation that the House has acted on this matter in a firm way. While the House has no control over the managers on the part of the House who may be appointed, there is an understanding, to say the least, that the managers on the part of the House will fight for the position of the House. I assume the gentlewoman from New Jersey, as one of the managers, intends to fight for the position the House has taken. I shall not ask for an answer from the gentlewoman from New Jersey if that will embarrass her; but, on the other hand, if I disagreed with a bill and the House took counter action and I was one of the managers on the part of the House, I would fight for the position taken by the House, because I would not be acting in my individual capacity, but as a manager I would represent the House.

I hope the three managers who are appointed will do this, but, in any event, later developments will show whether they do so or not, and if they do not, it is really immaterial because the matter has to come back to the House. On the other hand, there is that feeling of consolation, there is that feeling of satisfaction on the part of the Members of the House when we see a report showing that the managers on the part of the House fought for the position of the House, and there is a feeling of embarrassment when they see a report showing clearly that the managers on the part of the House did not fight for the position that the House took.

With these observations, I have no objection, Mr. Speaker, to this matter going to conference.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

Mr. TABER. Mr. Speaker, I have in my hand a purported interview on the part of the gentlewoman from New Jersey appearing in the News of February 9 last, reading as follows:

Chairman MARY NORTON, of the House District Committee, who led a valiant fight for the Kennedy repealer bill, expressed hope that the rider still may be eliminated this session.

She said that she, KENNEDY, and Representative DIRKSEN, Republican, Illinois, probably would be named conferees to meet with Senate agents, who will bring with them the Wheeler bill for outright repeal.

The House conferees, Mrs. NORTON said, will agree to the Senate measure. In reporting their action to the House, Mrs. NORTON said she will insist on a roll call of the entire membership.

Before I object, or do not object, I ask the gentlewoman from New Jersey if that alleged interview represents her position.

Mrs. NORTON. I do not recall having said any such thing as the gentleman has read.

Mr. TABER. Does that interview represent the gentlewoman's position?

Mr. O'CONNOR of New York. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

Mr. TABER. Mr. Speaker, I object.

QUALIFICATION OF PRACTITIONERS OF LAW, DISTRICT OF COLUMBIA
The SPEAKER laid before the House the following request from the Senate of the United States:

IN THE SENATE OF THE UNITED STATES,
February 15, 1937.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 204) relative to the qualifications of practitioners of law in the District of Columbia.

The SPEAKER. Is there objection to the request of the Senate?

There was no objection, and it was so ordered.

EXTENSION OF REMARKS

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to extend the remarks I made this afternoon in Committee of the Whole and to include therein two brief excerpts from the report on the bill under consideration, H. R. 4720.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?
There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. FERGUSON. Mr. Speaker, I ask unanimous consent that on Tuesday next, immediately after the disposition of matters on the Speaker's table and the reading of the Journal, that I be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Speaker, Monday next is Washington's birthday. A great many Members who will be away do not want to return on that day. That is District day. There is nothing apparently that will be taken up on Tuesday. I ask unanimous consent that the business in order on Monday, February 22, be in order on Tuesday, February 23.

The SPEAKER. Is there objection?

There was no objection.

WITHDRAWAL OF PAPERS

By unanimous consent, Mr. HALLECK was permitted to withdraw from the files of the House, without leaving copies, papers in the case of John H. Sullivan, H. R. 9737, Seventy-fourth Congress, and H. R. 620, Seventy-fifth Congress, pending before the Committee on Pensions, no adverse report having been made thereon.

Mr. HALLECK also was permitted to withdraw from the files of the House without leaving copies, papers in the case of John H. Sullivan, H. R. 9734, Seventy-fourth Congress, and H. R. 630, Seventy-fifth Congress, pending before the Committee on Military Affairs, no adverse report having been made thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. VINSON of Georgia, for 3 days, on account of important business.

To Mr. LANZETTA, for the balance of the week, on account of illness.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1228. An act to amend the National Housing Act; to the Committee on Banking and Currency.

S. 1406. An act to authorize distribution of products of the fishing industry; to the Committee on Agriculture.

S. J. Res. 53. Joint resolution providing for a continuance of the participation of the United States in the Great Lakes Exposition in the State of Ohio in 1937, and for other purposes; to the Committee on Foreign Affairs.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The Speaker announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 466. An act granting the consent of Congress to the county of Barry, State of Missouri, to construct, maintain, and operate a free highway bridge across the White River at or near Eagle Rock, Mo.

S. 715. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.

S. J. Res. 70. A joint resolution relating to the participation by the United States in the International Exposition of Paris, 1937.

BILL PRESENTED TO THE PRESIDENT

Mr. Parsons, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 3112. An act for the relief of Ralph C. Irwin.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 23 minutes p. m.) the House adjourned until tomorrow, Thursday, February 18, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Thursday, February 18, 1937, at 10:30 a. m., to hold hearings on the following projects: Tacoma Harbor, Wash.; St. Marks River, Fla.; Pensacola Harbor, Fla.; St. Joseph Bay, Fla.

COMMITTEE ON EDUCATION

The Committee on Education will meet on Thursday, February 18, at 10:30 o'clock a. m., in room 416, House Office Building, for the purpose of a general discussion.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

The Committee on Interstate and Foreign Commerce will hold hearings on Thursday morning, February 18, at 10 a. m., in the committee hearing room, 1334 House Office Building, on H. R. 3143, to amend the Federal Trade Commission Act.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

The Committee on World War Veterans' Legislation will hold hearings in room 356, House Office Building, on Thursday morning, February 18, at 10 o'clock.

COMMITTEE ON FOREIGN AFFAIRS

The Committee on Foreign Affairs will continue hearings on the neutrality bills Thursday, February 18, 1937, at 10 a. m., at which time Members of Congress will be heard. Friday, February 19, 1937, at 10 a. m., other interested parties.

COMMITTEE ON THE CIVIL SERVICE

The Committee on the Civil Service will continue hearings on Thursday, February 18, on the question of extending the classified civil service to include employees of the emergency agencies and employees in the regular establishments of the Government not now classified. Mr. Harry B. Mitchell, or a representative of the Civil Service Commission, will appear before the committee.

COMMITTEE ON PENSIONS

The Committee on Pensions will hold a meeting at 10:30 o'clock a. m., Friday, February 19, on H. R. 2387, to amend the provisions of the pension law for peacetime service to include Reserve officers and members of the enlisted Reserves.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

380. A letter from the Attorney General, transmitting a proposed bill to authorize the Secretary of War to transfer a portion of the Fort Reno Quartermaster Depot Military Reservation, Okla.; to the Committee on Military Affairs.

381. A letter from the Secretary of the Navy, transmitting a draft of a proposed bill for the relief of Commander William I. Causey, United States Navy, and Lt. Comdr. Earl LeRoy Bailey, Supply Corps, United States Navy; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BOREN: Committee on Interstate and Foreign Commerce. S. 62. An act to extend the times for commencing and completing the construction of a free highway bridge across the Missouri River at or near Atchison, Kans.; without amendment (Rept. No. 260). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 4451. A bill to authorize the cancellation of deportation proceedings in the case of Salvatore Branchicella; without amendment (Rept. No. 261). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ELLENBOGEN: A bill (H. R. 4833) to provide for the application of the 2-cent rate on first-class mail matter for delivery within the confines of any incorporated city and to contiguous cities; to the Committee on Ways and Means.

By Mr. GEARHART: A bill (H. R. 4834) to provide for the construction of a post-office and Federal office building at Los Banos, Calif.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4835) to amend section 32 of the act entitled "An act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935; to the Committee on Agriculture.

Also, a bill (H. R. 4836) to provide for the modernization and remodeling of the post-office building in Modesto, Calif., and authorizing an appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. HARLAN: A bill (H. R. 4837) to divest goods, wares, and merchandise manufactured, produced, or mined in violation of the provision of law in the State where offered for sale of their interstate commerce in certain cases; to the Committee on Interstate and Foreign Commerce.

By Mr. HOBBS: A bill (H. R. 4838) making it unlawful to use the mails to solicit or effect insurance or collect or transmit insurance premiums in any State without first securing a permit from the Securities and Exchange Commission of the United States; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 4839) to limit the matter appearing in the CONGRESSIONAL RECORD to the actual proceedings of the Congress and to prohibit the inclusion therein of extension of remarks; to the Committee on Printing.

Also, a bill (H. R. 4840) to further regulate and limit the distribution of the CONGRESSIONAL RECORD; to the Committee on Printing.

Also, a bill (H. R. 4841) to permit all litigation in the courts of the United States without the requirement of deposits of money and to make it unlawful to require the printing of the record and other papers on appeals; to the Committee on the Judiciary.

Also, a bill (H. R. 4842) to provide for loans to farmers to enable them to terrace or drain their lands; to the Committee on Agriculture.

Also, a bill (H. R. 4843) to repeal the act of May 24, 1928, and amendments thereof and supplements thereto; to the Committee on World War Veterans' Legislation.

By Mr. MAHON of South Carolina (by request): A bill (H. R. 4844) for the relief of certain officers on the retired list of the Army, who have been commended for their performance of duty in actual combat with the enemy during the World War; to the Committee on Military Affairs.

By Mr. RIGNEY: A bill (H. R. 4845) to regulate the hours of service of carriers in the village delivery service; to the Committee on the Post Office and Post Roads.

By Mr. SABATH: A bill (H. R. 4846) to stay mortgage foreclosures by the Home Owners Loan Corporation for a period of 18 months; to the Committee on Banking and Currency.

By Mr. HOBBS: A bill (H. R. 4847) making it unlawful for any person, firm, association, or corporation not expressly excepted from the operation of the act by the provisions thereof, to use the mails to solicit or effect insurance or collect or transmit insurance premiums in any State without complying with the insurance laws thereof; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 4848) to provide for the recording of certain proceedings in the district courts of the United States by motion pictures and synchronized sound-recording equipment, and for the reproduction of such proceedings by talking pictures in the Circuit Courts of Appeals of the United States and in the Supreme Court of the United States, upon the review of any such case; to the Committee on the Judiciary.

Also, a bill (H. R. 4849) to provide for the alteration of or changes to bridges over navigable waters of the United States, for the apportionment of the cost of such changes or alterations between the United States and the owner or owners of such bridges, to authorize the appropriation of funds for such purposes, and to repeal all inconsistent laws; to the Committee on Interstate and Foreign Commerce.

By Mr. DIRKSEN: A bill (H. R. 4850) to amend the act of Congress approved May 28, 1924, to regulate the practice of optometry in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SABATH: A bill (H. R. 4851) to refinance mortgages on homes; to the Committee on Banking and Currency.

By Mr. CLUETT: A bill (H. R. 4852) to provide for the creation of the Saratoga National Historical Park in the State of New York, and for other purposes; to the Committee on the Public Lands.

By Mr. BARRY: A bill (H. R. 4853) to provide for the construction of two vessels for the Coast Guard designed for ice breaking and assistance work; to the Committee on Merchant Marine and Fisheries.

By Mr. DOCKWEILER: A bill (H. R. 4854) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936; to the Committee on Flood Control.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 4855) to provide pensions for widows, orphans, and dependent parents of veterans of the World War; to the Committee on World War Veterans' Legislation.

By Mr. LANZETTA: A bill (H. R. 4856) to amend existing law to provide same dependency allowances for veterans suffering with service-connected disabilities rated as permanent as now provided for those under temporary ratings; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 4857) to amend veterans' regulation no. 6 (a), as amended, to authorize hospital care and treatment for American veterans residing in foreign countries, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. GREEVER: A bill (H. R. 4858) providing for deposits in the unemployment trust fund to the credit of certain States; to the Committee on Ways and Means.

By Mr. HILL of Alabama (by request): A bill (H. R. 4859) to authorize the transfer to the Attorney General of a portion of the Fort Reno Quartermaster Depot Military Reservation, Okla., as a permanent site of the United States Southwestern Reformatory; to the Committee on Military Affairs.

By Mr. DUNN: A bill (H. R. 4860) to abolish chain-gang systems and to prohibit the persecution of prisoners in police stations, jails, penitentiaries, and so forth, within the United States and its possessions; to the Committee on the Judiciary.

By Mr. WENE: A bill (H. R. 4861) to establish a Bureau of Poultry Industry in the Department of Agriculture; to the Committee on Agriculture.

Also, a bill (H. R. 4862) to amend section 601 of the Revenue Act of 1932, as amended, to provide for an excise tax on eggs and egg products; to the Committee on Ways and Means.

By Mr. BEITER: Resolution (H. Res. 121) requesting the Secretary of the Interior to furnish the House of Representatives with certain information pertaining to non-Federal works; to the Committee on Expenditures in the Executive Departments.

By Mr. DALY: Joint resolution (H. J. Res. 228) authorizing the payment of salaries of the officers and employees of

Congress for December on the 20th day of that month, each year; to the Committee on Accounts.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 229) to make funds available for health and sanitation activities in the areas recently stricken by floods; to the Committee on Appropriations.

By Mr. PIERCE: Joint resolution (H. J. Res. 230) proposing an amendment to the Constitution of the United States relating to popular nominations of candidates for President and Vice President; to the Committee on Election of President, Vice President, and Representatives in Congress.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Illinois, memorializing the Congress of the United States to enact measures, without delay, insuring the protection of the Ohio River Valley territory from such catastrophic floods as have lately been witnessed; to the Committee on Flood Control.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM: A bill (H. R. 4863) for the relief of Mary Rita Parker; to the Committee on Claims.

Also, a bill (H. R. 4864) for the relief of Helen Rauch; to the Committee on Claims.

By Mr. DREWRY of Virginia: A bill (H. R. 4865) for the relief of Roscoe McKinley Meadows; to the Committee on Naval Affairs.

By Mr. FLETCHER: A bill (H. R. 4866) granting an increase of pension to Mary E. Turner; to the Committee on Invalid Pensions.

By Mr. FADDIS: A bill (H. R. 4867) for the relief of Albert Morgan; to the Committee on Claims.

By Mr. GEARHART: A bill (H. R. 4868) for the relief of Horace Beckman; to the Committee on Claims.

By Mr. GRAY of Pennsylvania: A bill (H. R. 4869) granting an increase of pension to Catherine Pennington; to the Committee on Invalid Pensions.

By Mr. HOBBS: A bill (H. R. 4870) for the relief of Miles C. Baxter, Anse Cockran, Sam Cornett, Mrs. Louie Hesterly, and Mrs. George Lovell; to the Committee on Claims.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 4871) granting a pension to Mary E. Simmons; to the Committee on Invalid Pensions.

By Mr. KRAMER: A bill (H. R. 4872) granting a pension to Helen C. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4873) for the relief of Pauline Alice (Long) Newman; to the Committee on Military Affairs.

By Mr. KEE: A bill (H. R. 4874) to permit suit to be brought upon the yearly renewable term insurance of Oney Thompson, deceased; to the Committee on Military Affairs.

By Mr. LEA: A bill (H. R. 4875) for the relief of Paul H. Norboe; to the Committee on Claims.

Also, a bill (H. R. 4876) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Frederick W. Didier; to the Committee on the District of Columbia.

By Mr. MAHON of South Carolina: A bill (H. R. 4877) granting the Distinguished Service Medal to James E. Martin; to the Committee on Military Affairs.

By Mr. RUTHERFORD: A bill (H. R. 4878) granting a pension to Ruby C. Fletcher; to the Committee on Pensions.

Also, a bill (H. R. 4879) granting a pension to Mae E. Fletcher; to the Committee on Pensions.

By Mr. FITZPATRICK: Joint resolution (H. J. Res. 231) for the relief of Joseph T. Dion; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

381. By Mr. ANDREWS: Resolution adopted by the Niagara County Bar Association, disapproving the recommendations of the President in connection with the Supreme Court; to the Committee on the Judiciary.

382. Also, letter from the department of weights and measures of Niagara Falls, N. Y., protesting against the passage of House bill 2725; to the Committee on Coinage, Weights, and Measures.

383. Also, resolution adopted by the Niagara County Pomona Grange, favoring Senate Joint Resolution 60, having to do with the neutrality question; to the Committee on Foreign Affairs.

384. By Mr. CARTER: Telegram dated Berkeley, Calif., February 9, 1937, and signed by some 24 citizens of California, protesting the President's proposed reorganization of the Supreme Court; to the Committee on the Judiciary.

385. Also, petition of the San Francisco Bay Area District Council, Maritime Federation of the Pacific Coast, San Francisco, Calif., recommending certain amendments to the Ship Subsidy Act and the safety at sea law, in connection with powers granted in the United States Maritime Commission; to the Committee on Merchant Marine and Fisheries.

386. By Mr. JOHNSON of Texas: Resolution of the House of Representatives, State Legislature of Texas, favoring legislation for a Federal agency to make loans to tenant farmers to purchase homes at a low rate of interest; to the Committee on Agriculture.

387. Also, petition of Hubert M. Harrison, vice president and general manager, East Texas Chamber of Commerce, Longview, Tex., favoring reenactment of Connally "hot-oil" law; to the Committee on Interstate and Foreign Commerce.

388. By Mr. McLEAN: Petition of the Traffic Club of Newark, relative to the 6-hour day, etc., for railroad men; to the Committee on Labor.

389. By Mr. SADOWSKI: Petition of the Michigan Retail Lumber Dealers Association, endorsing the extension of the Federal Housing Administration; to the Committee on Ways and Means.

390. Also, Concurrent Resolution No. 5, House of Representatives of Lansing, Mich., ratifying the agreement between the United States and Canada with respect to deep-water connections between the Great Lakes and Atlantic Ocean; to the Committee on Naval Affairs.

391. Also, petition of the Machinist Lodge, No. 573, Detroit, Mich., endorsing the additional appropriation of \$500,000 for the La Follette investigation; to the Committee on Accounts.

392. By Mr. TREADWAY: Petition of the members of Orange Townsend Club, No. 1, Orange, Mass., urging that the Townsend plan be brought to the floor of the House; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES

THURSDAY, FEBRUARY 18, 1937

The House met at 12 o'clock noon.

The Most Reverend Archbishop Antony Bashir, Syrian Antiochian Archdiocese, Brooklyn, N. Y., offered the following prayer:

O Lord and Master Jesus Christ, our God, fountain of life and immortality, creator of all things visible and invisible, Thou who art worshipped and glorified at all times and at every hour and place, both in heaven and on earth, who art long suffering and plenteous in mercy and compassion, who lovest the just and showeth mercy to sinners, and who callest all men to salvation through the promise of blessings to come; O Thou that art the same Lord, receive these our supplications and direct our lives in the way of Thy commandments. Sanctify our souls. Purify our bodies. Set aright our thoughts. Cleanse our minds. Deliver us from all affliction, trouble, and distress. Compass us about with Thy divine providence, that guided and guarded by Thy truth we may always walk in Thy ways of peace, love, and understanding. Bless these Thy servants, the Members of this honorable House, who have been chosen to lead Thy people and maintain justice and good will among men, send-

ing down upon them wisdom and knowledge of Thine unapproachable glory; for Thou art blessed for ever and ever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on February 9, 1937, the President approved and signed a bill of the House of the following title:

H. R. 3587. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1937, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1937, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Crockett, its Chief Clerk, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 4064. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1938, and for other purposes.

COMMITTEE ON FOREIGN AFFAIRS

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs of the House may have permission to sit this afternoon during the session of the House.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

INDEPENDENT OFFICES APPROPRIATION BILL, 1938

Mr. WOODRUM. Mr. Speaker, I call up the bill (H. R. 4064) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1938, and for other purposes, and ask unanimous consent that the House disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. WOODRUM, JOHNSON of Oklahoma, FITZPATRICK, JOHNSON of West Virginia, HOUSTON, WIGGLESWORTH, and DIRKSEN.

FUNDS FOR HEALTH AND SANITATION ACTIVITIES IN FLOOD AREAS

Mr. TAYLOR of Colorado. Mr. Speaker, by direction of the Committee on Appropriations, I submit House Joint Resolution 229, to make funds available for health and sanitation activities in the areas recently stricken by floods, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. BACON. Mr. Speaker, reserving the right to object—and I shall not object—I believe this resolution should be passed as soon as possible; and I concur in the gentleman's request that it be taken up immediately by unanimous consent. I do hope, however, that a few minutes will be taken to explain the resolution to the Members of the House.

Mr. TAYLOR of Colorado. I shall be glad to yield for that purpose.

Mr. RICH. Mr. Speaker, reserving the right to object—and I shall not—the gentleman will remember that last year we tried to have a similar bill passed to benefit the people of Pennsylvania and New England, who faced a very similar situation, but at that time we could not get the House of Representatives to agree to it.

Mr. SNYDER of Pennsylvania. Mr. Speaker, reserving the right to object—and I shall not—I may say to the Members present that later on we hope to lay a proposition before Congress that will at least make possible a start toward